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BANGALORE, THURSDAY, DECEMBER 16, 1948.

NOTIFICATION.

No. R.L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Betting Tax (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

1. THE BETTING TAX (AMENDMENT) BILL.

A Bill to amend the Betting Tax Act, 1932.

WHEREAS it is expedient to amend the Betting Tax Act, 1932, (IX of 1932), for the purpose of enhancing the rate of totalisator and betting taxes leviable;

It is hereby enacted as follows :—

1. (1) This Act may be called the Betting Tax (Amendment) Act, 194 . **Short title and commencement.**

(2) It shall come into force at once.

Amendment of sections 3 and 6 of Act IX of 1932.

2. In sections 3 and 6 of the Betting Tax Act, 1932, for the words "four per cent," the words "eight per cent" shall be substituted.

Repeal and savings.

3. The Betting Tax (Amendment) (Emergency) Act, 1948 (XXXVI of 1948), is hereby repealed. But anything done and any action taken in exercise of any power conferred by or under the Betting Tax Act, 1932, as amended by the said Emergency Act, shall be deemed to have been done or taken in exercise of powers conferred by or under the Betting Tax Act, 1932, as amended by this Act, as if this Act had commenced on the seventeenth day of July 1948.

Statement of Objects and Reasons.

Sections 3 and 6 of the Betting Tax Act, 1932, empower the Government to charge and levy a totalisator tax and a betting tax not exceeding four per cent of the moneys paid into a totalisator and of the moneys paid, or agreed to be paid, by a licensed book maker to a backer respectively.

In January 1933, the Government fixed the totalisator tax at 2½ per cent and the betting tax at 3⅛ per cent.

Since this rate was considered to be very low, before the commencement of the last racing season, it was enhanced to the maximum allowed by the Act.

It was later considered desirable to further enhance this rate to 8 per cent, and as this required an amendment of the Betting Tax Act, 1932, an Emergency Act was passed on the 17th July 1948.

The present Bill seeks to repeal and replace the said Emergency Act.

NOTIFICATION.

No. R.L. 1623-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Excess Profits Tax (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE EXCESS PROFITS TAX (AMENDMENT) BILL.

A Bill further to amend the Mysore Excess Profits Tax Act, 1946.

WHEREAS it is expedient further to amend the Mysore Excess Profits Tax Act, 1946, (XI of 1946), for the purpose hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Excess Profits Tax (Amendment) Act, 194 . . Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (2) of section 4 of the Mysore Excess Profits Act, 1946, for the words "at a date not later than two years after the termination of the present hostilities" the words, "at a date not later than two years after the date of termination of the present hostilities or one year after the date on which excess profits tax was paid, whichever is later" shall be substituted. Amendment of section 4, Act XI, 1946.

3. The Mysore Excess Profits Tax (Amendment) (Emergency) Act, 1948, (LIX of 1948), is hereby replaced. But anything done and any action taken in exercise of any power conferred by or under the Mysore Excess Profits Tax Act, 1946, as amended by the said Emergency Act, shall be deemed to have been done or taken in exercise of powers conferred by or under the Mysore Excess Profits Tax Act, 1946, as amended by this Act, as if this Act had commenced on the sixth day of August 1948. Repeal and savings.

Statement of Objects and Reasons.

According to sub-section (2) of section 4 of the Mysore Excess Profits Tax Act, 1946, one-third of the excess profits tax levied is repayable, after necessary adjustments, to the party concerned at a date not later than two years after the termination of hostilities together with simple interest not exceeding two per cent per annum. As the hostilities officially terminated on 1st April 1946, the period prescribed by the above sub-section expired on 1st April 1948.

As there are still some cases in which excess profits tax assessments have not been made, it became necessary to extend the period laid down in sub-section (2) of section 4 of the Act.

An Emergency Act was accordingly passed on the 6th day of August 1948. It makes provision for the refund of the tax at a date not later than two years after the date of termination of the hostilities or one year after the date on which excess profits tax was paid, whichever is later.

The present Bill seeks to repeal and replace the Emergency Act.

NOTIFICATION.

No. R.L. 1628-57, dated, Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Labour (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE LABOUR (AMENDMENT) BILL.

A Bill further to amend the Mysore Labour Act, 1942.

WHEREAS it is expedient further to amend the Mysore Labour Act, 1942, (XIII of 1942), for the purpose of more clearly defining the rights of Labour associations in the matter of admission of honorary members;

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Labour (Amendment) Act, 194 . Short title and commencement.

(2) It shall come into force at once.

2. For clause (*e*) of section 7 of the Mysore Labour Act, 1942, the following clause shall be substituted:— Amendment of section 7, Act XIII of 1942.

"(*e*) The admission of ordinary members who shall be members actually engaged or employed in the industrial undertaking concerned and also the condition for the admission of honorary members as officers; provided that not more than two such members shall be so admitted into any association:

Provided further that no one shall be an honorary member of more than one association at the same time.

Provided also that when it is an association of employees in an industrial undertaking conducted or carried on by the Government either by itself or in association with any other Government, the general body of the association may admit only two Government servants, as honorary members even though they are not employed in that undertaking."

Repeal and saving.

3. The Mysore Labour (Amendment) (Emergency) Act, 1948, (XXVI of 1948), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the Mysore Labour Act, 1942, as amended by the said Emergency Act, shall be deemed to have been made, done or taken in exercise of the powers conferred by or under the Mysore Labour Act, 1942, as amended by this Act, as if this Act had commenced on the 27th day of May 1948.

Statement of Objects and Reasons.

Rule 6 of the Mysore Labour Rules prescribes that in an association of employees in an industrial undertaking conducted or carried on by a Department of Government, only two Government servants may be admitted as honorary members. Some doubt was, however, felt recently whether clause (*e*) of section 7 of the Mysore Labour Act, 1942, contemplated any restriction being imposed in regard to the kind of non-employees who may be honorary members. In order to clear the doubt, it was considered necessary to make specific provision in the Act itself in that behalf, and, as the matter was urgent, an Emergency Act was promulgated on 27th May 1948, amending clause (*e*) of the said section.

The present Bill seeks to repeal and replace the Emergency Act.

NOTIFICATION.

No. R.L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Motor Vehicles and Road Traffic (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL.

A Bill further to amend the Mysore Motor Vehicles and Road Traffic Act, 1944.

WHEREAS it is expedient further to amend the Mysore Motor Vehicles and Road Traffic Act, 1944, (XXVII of 1944), for the purpose hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Motor Vehicles and Road Traffic (Amendment) Act, 194 . Short title and commencement.

(2) It shall come into force at once.

2. For sub-section (1) of section 46 of the Mysore Motor Vehicles and Road Traffic Act, 1944, the following sub-section shall be substituted, namely: Amendment of section 46, Act XXVII of 1944.

"(1) A permit shall be in force till the end of the official year during which the permit was granted, or for such less period as the Traffic Board may from time to time by order specify in this behalf."

3. The Mysore Motor Vehicles and Road Traffic (Second Amendment) (Emergency) Act, 1948, (XXVIII of 1948), is hereby repealed. But anything done and any action taken in exercise of any power conferred by or under the Mysore Motor Vehicles and Road Traffic Act, 1944, as amended by the said Emergency Act, shall be deemed to have been done or taken in exercise of the powers conferred by or under the Mysore Motor Vehicles and Road Traffic Act, 1944, as amended by this Act, as if this Act had commenced on the eighteenth day of June 1948. Repeal and savings.

Statement of Objects and Reasons.

Under section 46 of the Mysore Motor Vehicles and Road Traffic Act, 1944, a permit granted or renewed is valid till the end of the official year during which it was sanctioned.

Pursuant to the decision taken by the Government for nationalising the bus service in the State, they have ordered the purchase of a certain number of buses. As it would take sometime to put all the Government buses on the road, it would be necessary to take over the existing lines as and when Government buses get ready, during the course of the current official year. With this end in view and with a view to avoid the Government buses remaining idle for a year more, it is considered necessary to make a provision in the Act to enable the renewal of permits for a shorter period than a year, and, for purposes of convenience, it is proposed to empower the Traffic Board to prescribe the duration of the permits from time to time.

As the matter was urgent, an Emergency Act was passed on the 18th June 1948. The present Bill seeks to repeal and replace this emergency measure.

NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Motor Vehicles and Road Traffic (Second Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE MOTOR VEHICLES AND ROAD TRAFFIC (SECOND AMENDMENT) BILL.

WHEREAS it is expedient further to amend the Mysore Motor Vehicles and Road Traffic Act, 1944, (XXVII of 1944), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Motor Vehicles and Road Traffic (Second Amendment) Act, 194 . **Short title and commencement.**

(2) It shall come into force at once.

2. In clause (15) of section 2 of the Mysore Motor Vehicles and Road Traffic Act, 1944 (hereinafter referred to as the said Act) after the words "District Board," the words "the Municipal Commission of the Civil Station of Bangalore," shall be inserted. **Amendment of section 2, Act XXVII of 1944.**

3. In sub-section (1) of section 11 of the said Act, the words "or the Indian Motor Vehicles Act, 1939 as applied to the Civil and Military Station, Bangalore" shall be omitted. **Amendment of section 11, Act XXVII of 1944.**

4. In sub-section (1) of section 27 of the said Act, the proviso shall be omitted. **Amendment of section 27, Act XXVII of 1944.**

5. In sub-section (3) of section 38 of the said Act, clause (*n*) shall be omitted. **Amendment of section 38, Act XXVII of 1944.**

6. In section 98 of the said Act, after the words and figures, "Minor Municipalities Act, 1933," the words, figures and brackets, "or in the Bangalore Municipal Law, 1897, as applied by the Retroceded Area (Application of Laws) Act, 1948," shall be inserted, and after the words "no Municipal Council," the words "or the Municipal Commission of the Civil Station of Bangalore," shall be inserted. **Amendment of section 98, Act XXVII of 1944.**

Amendment of section 99, Act XXVII of 1944.

7. To sub-section (1) of section 99 of the said Act, the following proviso shall be added, namely :—

"Provided that in the case of the Municipal Commission of the Civil Station of Bangalore the said period may be computed as three years ending on 31st day of March 1948."

Repeal and Savings.

8. The Mysore Motor Vehicles and Road Traffic (Third Amendment) (Emergency) Act, 1948, (XXIX of 1948), is hereby repealed. But anything done and any action taken in exercise of any power conferred by or under the Mysore Motor Vehicles and Road Traffic Act, 1944, as amended by the said Emergency Act, shall be deemed to have heen done or taken in exercise of powers conferred by or under the Mysore Motor Vehicles and Road Traffic Act, 1944, as amended by this Act, as if this Act had commenced on the 30th day of June 1948.

Statement of objects and Reasons.

Consequent upon the extension of the Mysore Motor Vehicles and Road Traffic Act, 1944, to the Retroceded Area with effect from 1st July 1948, it became necessary to amend the Act to provide for certain consequential changes in it.

Section 98 of the Act, precludes a municipal council from levying a tax or toll on motor vehicles. Since the Government have taken over the powers of taxation of motor vehicles in respect of the Civil Station, this section had to be amended to provide for precluding the Municipal Commission of that Station from levying such tax. Section 99 of the Act which provides for payment to the District Boards and Municipalities for loss of tolls and vehicle tax, had also to be amended to provide for payment of compensation to the Municipal Commission for the loss of revenue as a result of the application of the Mysore Motor Vehicles and Road Traffic Act, 1944, to the Civil Station.

An Emergency Act was passed in June 1948 to give immediate effect to these changes.

This Bill has been brought forward to place the amendments permanently on the Statute Book, by repealing and replacing the Emergency Act.

NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Labour Housing Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,

Legal Remembrancer and
Secretary to Government,
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THE MYSORE LABOUR HOUSING BILL.

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THE MYSORE LABOUR HOUSING BILL.

A Bill for making provision for proper housing for labour.

WHEREAS it is deemed necessary to provide for the welfare of labour by making provision for proper housing accommodation and for other connected purposes;

It is hereby enacted as follows: —

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Labour Housing Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Definitions.

2. (1) In this Act unless there is anything repugnant in the subject or context,—

(*i*) 'capitation tax' or 'tax' means the sum of money payable to the Corporation by an employer under section 3;

(*ii*) 'Corporation' means the Mysore Labour Housing Corporation established under this Act;

(*iii*) 'duly appointed' means appointed in accordance with the provisions of this Act or the rules, regulations or orders made thereunder;

(*iv*) 'employee' means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in a scheduled employment, and also includes any person declared to be an employee by the Government by notification in the Official Gazette;

(*v*) 'employer' means any person who employs, whether directly or through another person, or whether on behalf of himself or any other person, one or more employees in any scheduled employment, and includes,

(a) in a factory the owner or occupier of the factory and includes the managing agent of such owner or occupier, the legal representative of a deceased owner or occupier and where a person has been named as the manager of the factory under clause (e) of sub-section (1) of section 9 of the Mysore Factories Act, 1936, (I of 1936), the person so named;

(b) in any scheduled employment under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is appointed, the chief executive officer of the local authority;

(c) in any other case any person responsible for the supervision and control of the establishment;

(*vi*) 'Fund' means the Mysore Labour Housing Fund constituted under section 16;

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46. Penalty for certain contraventions.
47. Prosecution subject to previous sanction of the Government or the Corporation.
48. Power of the Government to make rules.
49. Power of the Corporation to make regulations.

(*vii*) 'house' includes any yard, garden, out-houses and appurtenances belonging thereto or usually enjoyed therewith;

(*viii*) 'land' includes any right over land;

(*ix*) 'owner' in relation to any building or land, means a person other than a mortgagee not in possession, who is for the time being entitled to sell the building or land, and includes also a person holding or entitled to the rents and profits of the building or land;

(*x*) 'prescribed' means prescribed by rules under this Act;

(*xi*) 'regulation' means a regulation made by the Corporation;

(*xii*) 'scheduled employment' means any employment specified in the schedule and includes any employment which the Government may, by notification in the Official Gazette, specify as a scheduled employment;

(*xiii*) 'street' includes any alley, passage, square or row of houses, whether a thoroughfare or not;

(*xiv*) 'working class' includes mechanics, artisans, labourers and others working for wages, hawkers, persons not working for wages but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed on an average two hundred rupees a month, and the families of any of such persons who may be residing with them;

(2) For the purposes of any provisions of this Act relating to the provision of housing accommodation, the expression 'house' includes, unless the context otherwise requires, any part of a building which is occupied or intended to be occupied as a separate dwelling.

(3) In determining for the purposes of this Act whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of any municipal bye-laws or laws in operation in the area in which such house is situated or of any other provision of law for the time being in force in such area dealing with the construction and drainage of new buildings and the laying out and construction of new streets or of the general standard of housing accommodation for working classes in such area.

General.

Imposition and collection of capitation tax.

3. There shall be levied and collected from every employer a capitation tax at a rate not exceeding four rupees per month as may from time to time be fixed by the Government by notification in the Official Gazette in respect of every

employee not provided by such employer with housing accommodation of such standard as may be prescribed by the Government.

4. It shall be the duty of the Corporation to provide proper houses for employees as near as possible to their place of work of such types and designs and in accordance with such schemes as the Government may approve.

Liability of the Corporation regarding provision of houses for employees.

Establishment of the Corporation.

5. (1) The Government shall, by notification in the Official Gazette, constitute a Mysore Labour Housing Corporation to prepare and carry out, subject to the previous approval of the Government, schemes, financed from the Mysore Labour Housing Fund for the provision of suitable housing accommodation for employees and to carry out the other functions of the Mysore Labour Housing Corporation under this Act.

Establishment and incorporation of Mysore Labour Housing Corporation.

(2) The Corporation shall consist of members representing the Government, employers and employees and shall be of such number and chosen in such manner as may be prescribed, but at least one member shall be a woman. The Corporation shall have a Chairman whose appointment shall be subject to the approval of the Government.

(3) The Corporation shall be a body corporate by the name of Mysore Labour Housing Corporation having perpetual succession and a common seal and shall by the said name sue and be sued.

6. All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or some other member authorised by the Corporation in this behalf and all other instruments issued by the Corporation shall be authenticated by the signature of such member or officers of the Corporation as may be authorised in this behalf.

Authentication of orders, decisions, etc.

7. A person shall be disqualified for being chosen as or for being a member of the Corporation,—

Disqualification.

(*a*) if he is declared to be of unsound mind by a competent Court; or

(*b*) if he is an undischarged insolvent; or

(*c*) if he has directly or indirectly by himself or by his partner any interest in a subsisting contract with, or any work being done for, the Corporation except as a shareholder (not being a director) of a Company; or

(*d*) if before or after the commencement of this Act, he has been convicted of an offence involving moral turpitude and sentenced to transportation or imprisonment unless a period of

ten years or such less period as the Government may allow in any particular case, has elapsed after his release.

Officers of the Corporation.

8. The Corporation may with the approval of the Government and subject to such conditions of service as may be prescribed, appoint officers of the Corporation whose maximum monthly salary is five hundred rupees and above.

Staff of the Corporation.

9. (1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its work provided that the sanction of the Government shall be obtained for the creation of any post with a maximum monthly salary of two hundred rupees and above.

(2) The Corporation shall, with the approval of the Government make regulations regarding the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the members of its staff.

(3) Every appointment to posts carrying a maximum monthly pay of two hundred rupees and above shall be made in consultation with the Public Service Commissioner :

Provided that this sub-section shall not apply to an officiating or temporary appointment for an aggregate period not exceeding one year.

Meetings of the Corporation.

10. Subject to any rules made under this Act, the Corporation shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at their meetings as may be specified by regulations made in this behalf.

Additional measures which the Corporation may promote.

11. The Corporation may, in addition to preparing and carrying out schemes for the provision of suitable housing accommodation for employees, promote measures directed towards,—

(*i*) the provision of gardens, playgrounds and recreational facilities ;

(*ii*) the improvement of public health and sanitation ;

(*iii*) provision of water supplies and facilities for washing ;

(*iv*) the provision of transport to and from work ; and

may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Government.

Supersession of the Corporation.

12. (1) If in the opinion of the Government the Corporation persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, the Government may by notification in the Official Gazette, supersede the Corporation :

Provided that before issuing a notification under this sub-section the Government shall give a reasonable opportunity to the Corporation to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation.

(2) Upon the publication of a notification under sub-section (1) superseding the Corporation, all the members of the Corporation shall, as from the date of such publication, be deemed to have vacated their offices.

(3) When the Corporation has been superseded, the Government may,—

(*a*) immediately nominate or cause to be nominated or elected new members to the Corporation in accordance with sub-section (2) of section 5;

(*b*) in its discretion appoint such agency for such period as it may think fit to exercise the powers and perform the functions of the Corporation and such agency shall be competent to exercise all the powers and perform all the functions of the Corporation.

(4) The Government shall cause a full report of any action taken under this section and the circumstances leading to such action to be laid before the Mysore Legislature at the earliest opportunity.

Duties of officers of the Corporation.

13. The officers appointed in accordance with section 8 shall exercise such powers and discharge such duties as may be prescribed. They shall also perform such other functions as may be specified in the regulations.

Acts of the Corporation not invalid by reason of informality, etc.

14. No act of the Corporation shall be deemed to be invalid by reason of any defect in the constitution of the Corporation or on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his nomination or election, or by reason of such act having been done during the period of any vacancy in the office of any member of the Corporation.

Local Committees.

15. The Corporation may, subject to the approval of the Government, appoint Local Committees in such areas and in such manner and delegate to them such powers and functions as may be prescribed.

Finance and Audit.

The Mysore Labour Housing Fund.

16. (1) The tax paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a Fund called the Mysore Labour Housing Fund which shall be held and administered by the Corporation for the purposes of this Act.

(2) The Corporation may accept grants, donations and gifts from the Government or any local authority or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

(3) All moneys accruing or payable to the said Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf and shall forthwith be paid by them into the Government treasury or any bank as may be approved by the Government to an account styled the account of the Mysore Labour Housing Fund.

(4) Such account shall be operated on by such officers as may be authorised by the Corporation.

Grants by the Government.

17. (1) The Government shall, every year during the first three years, make a grant to the Corporation of a sum equivalent to two-thirds of the administrative expenses of the Corporation not including therein the cost of any schemes of housing for which provision has been made by or under this Act.

(2) The Corporation shall, on such date as the Government may specify in this behalf, furnish a statement to the Government showing the amount required by the Corporation during the ensuing year to execute the housing schemes, and on receipt of such statement the Government shall, after satisfying itself of the correctness of the statement, make a grant to the Corporation of such amount, not exceeding the amount specified in the said statement. The said statement shall be in such form and shall contain such particulars as the Government may specify in this behalf:

Provided that the entire grant or such portion of it as may be fixed by the Government may be made as a loan to the Corporation.

Purposes for which the Fund may be expended.

18. Subject to the provisions of this Act and of any rules made by the Government in that behalf, the Mysore Labour Housing Fund shall be expended only for the following purposes, namely;—

(*i*) defraying the cost of erecting or re-erecting and maintaining and repairing housing accommodation for employees and of providing services and facilities connected therewith;

(*ii*) defraying the cost of preparing schemes, and of acquiring any land required, for the purposes referred to in clause (*i*);

(*iii*) payment of grants, subject to the previous approval of the Government, to a local authority or any employer, of money in aid of any scheme approved by the Corporation for the purposes referred to in clauses (*i*) and (*ii*) and in section 11;

(*iv*) payment of fees and allowances to members of the Corporation and local committees;

(*v*) payment of salaries, leave and joining time allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of offices and other services set up for the purposes of giving effect to the provisions of this Act;

(*vi*) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities;

(*vii*) payment of any sums under any contract entered into for the purposes of this Act by the Corporation or by any officer duly authorised by the Corporation in that behalf;

(*viii*) payment of any sums under any decree or order of any court against the Corporation or any of its officers or servants for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation;

(*ix*) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act;

(*x*) defraying expenditure, within the limits prescribed, on measures referred to in section 11; and

(*xi*) such other purposes as may be authorised by the Corporation with the previous approval of the Government.

Holding of property, etc.

19. (1) The Corporation may, subject to such conditions as may be prescribed by the Government, acquire and hold property both movable and immovable, sell or otherwise transfer any movable or immovable property which may have been acquired by it and do all things necessary for the purposes for which the Corporation is established.

(2) Subject to such conditions as may be prescribed by the Government, the Corporation may, from time to time, invest any moneys which are not immediately required for expenses properly defrayable under this Act, and may, subject as aforesaid from time to time, re-invest or realise such investments.

(3) The Corporation may, with the previous sanction of the Government, and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.

(4) The Corporation may, with the approval of the Government, constitute for the benefit of its staff, or any class of them, such provident or other benefit fund as it may think fit.

Grants by the Government to be treated as loan.

20. All expenditure incurred by the Government for, and in connection with, the establishment of the Corporation up to the date of its establishment shall be treated as a loan advanced by the Government to the Corporation, and such loan and all moneys granted as loans by the Government to the Corporation shall be recoverable with interest at three per cent per annum in such manner as may be prescribed.

Budget estimates.

21. The Corporation shall, in each year, frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adequate in the opinion of the Government for the discharge of the duties of the Corporation and for the maintenance of a working balance.

Accounts.

22. The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the Government.

Audit.

23. (1) The accounts of the Corporation shall be audited, at such times and in such manner as may be prescribed, by auditors appointed by the Government.

(2) The auditors shall, at all reasonable times, have access to the books, accounts and other documents of the Corporation and may, for the purposes of the audit, call for such explanation and information as they may require or examine any officer of the Corporation.

(3) The auditors shall forward to the Government a copy of their report together with an audited copy of the accounts of the Corporation.

(4) The cost of the audit as determined by the Government shall be paid out of the funds of the Corporation.

Annual report.

24. The Corporation shall submit to the Government an annual report of its work and activities.

Budget to be placed before the Legislature.

25. The annual report, the audited accounts of the Corporation and the budget as finally adopted by the Corporation shall be placed before the Mysore Legislature and published in the Official Gazette.

Valuation of assets and liabilities.

26. The Corporation shall, at intervals of three years, have a valuation of its assets and liabilities made by a valuer appointed with the approval of the Government.

Provided that it shall be open to the Government to direct a valuation to be made at such other times as it may consider necessary.

Powers of the Corporation, etc.

Provisions regarding housing accommodation.

27. (1) The occupation by any person of any housing accommodation provided out of the Mysore Labour Housing Fund shall be subject to compliance by that person at all times with such conditions relating to his occupation of such accommodation as may be prescribed.

(2) Before any person occupies any such accommodation he shall be furnished with a copy of the conditions referred to in sub-section (1), and if he so desires the said conditions shall be read over to him in a language which he understands; and the Corporation shall cause to be published in such manner as it thinks best adapted for informing the persons concerned any changes which may from time to time be made in the said conditions.

(3) If in the opinion of the Corporation any person in occupation of any such accommodation fails or ceases to comply with any of the conditions referred to in sub-section (1), it may, by notice in writing, require him to vacate the accommodation on or before such date, not being less than thirty days after the service of the notice; and the occupation of such accommodation by such person or any dependent of his after the date so specified shall be unlawful, and such person or dependent may be evicted accordingly by due process of law from such accommodation.

(4) There shall be payable in respect of the occupation of any such accommodation as aforesaid rent at such rate as may be prescribed not exceeding :—

(*i*) where a single employee occupies such accommodation, seven and a half per cent of the capital cost of the accommodation or ten per cent of the wages of such employee, whichever is less ; and

(*ii*) where more than one employee occupy such accommodation, ten per cent of the capital cost of the accommodation or fifteen per cent of the wages of the highest paid employee among them, whichever is less.

(5) (*i*) All rent payable in respect of the occupation of such accommodation as aforesaid shall in the first instance be paid by the employer of the employee occupying the accommodation.

(*ii*) Notwithstanding anything contained in any other enactment but subject to the provisions of any regulations, if any under this Act, the employer shall be entitled to recover the rent paid by him under clause (*i*) by deductions from the wages of the employee concerned, and not otherwise.

Housing accommodation to be in good habitable condition.

28. (1) It shall be the duty of the Corporation to keep the housing accommodation under its control in a good habitable condition.

(2) Where the Government or any local authority or any court notified by the Government in this behalf upon consideration of any representation or of a report from any of its officers or other information received by it, is satisfied that any housing accommodation under the control of the Corporation is in any respect not in a good habitable condition it may, unless it is satisfied that it is not capable at a reasonable expense of being brought to a habitable condition, serve upon the Corporation a notice requiring it, within such reasonable time, not being less than twenty-one days as may be specified in the notice, to execute the works specified in the notice and stating that in the opinion of the Government, the local authority or the court, as the case may be, those works will bring the house to a good habitable condition.

(3) (*a*) The Corporation may within twenty-one days of the service of the notice under sub-section (2) by a local authority or a court, appeal to the Government, or where the notice is served by the Government, apply to it for a review and no proceedings shall be taken by the Government or the local authority or the court, as the case may be, to enforce the notice before the appeal or the application for review, as the case may be, has been finally determined.

(*b*) The Government may on such appeal or application for review make an order either confirming or quashing or varying the notice, and such order of the Government shall be final and conclusive.

(4) If a notice served on the Corporation under sub-section (1) is not complied with, then, after the expiration of the time specified in the notice or, if an appeal or an application for reveiw has been made against the notice and upon that appeal or application for review the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal or application for review, or of such longer period as the Government, in determining the appeal or application for review, may fix, the Government or the local authority or the court as the case may be, may itself cause the work required by the notice, or by the notice as varied by the Government, to be done.

(5) Any expenses incurred by the Government or a local authority or a court under sub-section (4), together with interest at six per cent per annum, from the date when a demand for the expenses is served until payment, may be recovered from the Corporation summarily as if the notice of demand were a decree of a civil court, and any civil court of competent jurisdiction shall execute such notice of demand as if it were a decree of such court.

Duty of the Corporation to inspect working class houses.

29. It shall be the duty of the Corporation to cause an inspection to be made from time to time of houses occupied by working class people and the areas in which such houses are located with a view to ascertaining whether such houses are fit for human habitation and whether such areas are maintained in a proper condition so as to ensure the safety, health and well-being of working class people.

Powers of the Corporation in respect of houses occupied by working class people.

30. The Corporation may exercise the powers and perform the functions of a local authority in accordance with the provisions of section 28 in respect of houses occupied by working class people of which any person other than the Corporation is the owner, and the provisions of the said section shall thereupon apply to such houses as if the Corporation were a local authority and the owner of such houses were the Corporation.

Power of the Corporation to acquire insanitary houses, etc.,

31. (1) If the Corporation is satisfied that any house occupied by working class people is unfit for human habitation and not capable at a reasonable expense of being rendered so fit or that in any of the cities or towns which the Government may by order specify, any area contains fifty or more working class houses and at least one-third of the working class houses in such area are overcrowded or unfit for human habitation and not capable at a reasonable expense of being rendered so fit or so arranged as to be congested, the Corporation may with the sanction of the Government, acquire such house or such area and take action as hereinafter provided.

(2) The Corporation may subject to the sanction of the Government demolish and reconstruct any house acquired under sub-section (1) and may subject to a like sanction demolish and reconstruct houses in any area acquired under sub-section (1) or

otherwise lay out and use the area for providing any amenities for employees as the Government may approve.

Compensation for house unfit for human habitation.

32. Where any land is acquired by the Corporation under sub-section (1) of section 31, the compensation payable in respect thereof shall be determined in accordance with the Mysore Land Acquisition Act, 1894, subject to the condition that the compensation to be paid for a house unfit for human habitation and not capable at reasonable expense of being rendered so fit, shall be the value of the land as a site cleared of the building.

Provisions relating to acquisition proceedings.

33. (1) Any land required by the Corporation for carrying out its functions under this Act shall be deemed to be needed for a public purpose and such land shall be acquired for the Corporation as if the provisions of Part VII of the Mysore Land Acquisition Act, 1894, except the provisions of sections 39 to 42, both inclusive, were applicable to it and the Corporation were a company within the meaning of clause (*e*) of section 3 of the said Act.

(2) The Government may, by notification in the Official Gazette, appoint any officer of the Corporation to be a Land Acquisition Officer in respect of lands to be acquired by the Corporation and thereupon such officer shall exercise the powers and perform the duties of a Deputy Commissioner in respect of those lands under the Mysore Land Acquisition Act, 1894.

(3) Notwithstanding anything in the Mysore Land Acquisition Act, 1894, or in any other law for the time being in force, any order of acquisition of land or any award of any compensation in respect of any acquisition of land by or for the Corporation, shall be called in question only by an appeal to the Government within sixty days from the date of the order or award and the decision of the Government on such appeal shall be final and shall not be called in question in any court of law.

Miscellaneous.

Maintenance of public streets by the Corporation.

34. (1) Where in connection with housing operations of the Corporation, new buildings are constructed or existing buildings reconstructed or public streets and roads are laid out and constructed or reconstructed in accordance with plans and specifications approved by the Government, the provisions of any municipal or other law relating to buildings or roads shall not, so far as they are inconsistent with the plans and specifications so approved, apply to those buildings and streets, and, notwithstanding the provision of any other Act, any public street or road laid out and constructed in accordance with those plans and specifications may be maintained by the Corporation.

(2) As respects the city of Bangalore the Government shall not approve for the purposes of sub-section (1) any plans and specifications inconsistent with the provisions of any law relating to buildings or roads in force in the City of Bangalore except after consultations with the municipal authority for the

City on the general question of the relaxation of such provisions in connection with housing operations.

Conditions relating to housing accommodation provided by employers.

35. Notwithstanding any provision of law for the time being in force, if any employer has provided housing accommodation for his employees, such employer and employees shall comply with such provisions as may be prescribed regulating (i) the occupation of such accommodation, (ii) the rents payable for such occupation, (iii) the proper maintenance of such accommodation, (iv) the rights and liabilities of the employer and the employees in respect of such accommodation, and (v) the circumstances in which such employees can be evicted from such accommodation.

Housing accommodation for workers in certain works.

36. (1) Where workers who have no easily accessible dwelling of their own are employed on any works, the owner of such works shall provide free of all cost to the workers, accommodation proper and sufficient for the comfort and health of such workers.

(2) The Government may by general or special rules made in this behalf, specify the conditions with which accommodation in any works or class of works for the purposes of sub-section (1) shall comply.

(3) Without prejudice to the generality of the power conferred by sub-section (2), rules made under the said sub-section may provide for the following matters, namely :—

(*i*) the types and designs of the buildings ;

(*ii*) the accommodation, amenities and facilities to be provided in or near the buildings ;

(*iii*) the proper maintenance of the buildings and their surroundings in a clean state ;

(*iv*) the rights and liabilities of the owners and employees in respect of the buildings and their surroundings ; and

(*v*) the appointment of agencies or authorities to ensure compliance with the rules and their powers and duties.

(4) Without prejudice to any other penalty to which they may be liable under any other law for the time being in force, any owner who wilfully or through negligence contravenes or abets the contravention of this section or the provisions of any rule issued thereunder, shall be punishable with fine which may extend to one thousand rupees and in cases deemed serious by the court, with imprisonment which may extend to a period of six months, or with fine, or with both.

(5) In this section :—

(*i*) "owner" means any owner, master, manager, foreman, overseer, contractor or other person having control of workers engaged in any works or the works carried on in connection with the occupations notified under clause (*iii*) ;

(*ii*) "worker" means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in any works ;

(*iii*) "works" means any works or occupations as the Government may by notification in the Official Gazette, declare to be works to which this section shall apply.

37. Save as otherwise provided by this Act, after the commencement of this Act, where any employer provides housing accommodation for his employees, such housing accommodation shall comply, and be in accordance with, such conditions and provisions as may be prescribed.

Conditions relating to housing accommodation provided by employer after commencement of Act.

38. (1) The Corporation may appoint such persons as inspectors, as it thinks fit, for the purposes of this Act, within such local limits as it may assign to them.

Inspectors, etc., their functions and duties.

(2) Any inspector appointed by the Corporation under sub-section (1) or any other official of the Corporation authorised by it in this behalf, may, with such assistance, if any, as he thinks fit, enter, at all reasonable times, any place which he considers it necessary to enter for the purpose of supervising or carrying out the measures financed from the Fund and may do therein anything necessary for the proper discharge of his duties.

(3) Any person appointed or authorised in this behalf under any rule or order made under this Act, may, with such assistance as he thinks fit, at all reasonable times, enter upon any land or premises and there do such things as may be reasonably necessary for the proper discharge of his duties.

39. (1) The Government may, by notification in the Official Gazette and subject to such conditions as may be specified in the notification, exempt any person, or class of persons, or any employer or class of employers from one or more provisions of this Act.

Exemptions.

(2) No exemption shall be granted under sub-section (1) unless a reasonable opportunity is given to the Corporation to make any representation it may wish to make in regard to the proposal and such representation has been considered by the Government.

40. All members, officers and servants of the Corporation and all persons appointed or authorised to perform any duty or exercise any power under any provision of this Act or under any rule or order thereunder shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

Persons acting under Act are public servants.

41. (1) No suit, prosecution or other legal proceeding shall lie against any person in the employment of the Corporation or against any person appointed or authorised to perform any duty or exercise any power under any provision of this Act or under any rule or order thereunder, for anything which is in good faith done or purported to be done under this Act.

Bar of suits, etc.

(2) No suit or other legal proceeding shall be against the Corporation, or the Government, or any officer or authority

subordinate to the Government for any damage caused, or likely to be caused, by any thing ingood faith done or purported to be done under this Act.

Delegation of powers and duties of the Government.

42. The Government may, by notification in the Official Gazette, direct that any power or duty which under any of the provisions of this Act is conferred or imposed on the Government other than those conferred or imposed by sections 3, 4, 5, 7, 8, 12, 15, 17, 31, 33, 36, 39, and 48, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised, or discharged, by any authority or officer subordinate to the Government.

Tax or rent recoverable as arrear of land revenue.

43. If any employer fails or neglects to pay any tax or rent which under this Act he is liable to pay, the amount so payable may be recovered as if it were an arrear of land revenue.

Tax due to have priority over other debts.

44. There shall be deemed to be included among the debts which under section 61 of the Mysore Insolvency Act, 1925, or under section 230 of the Mysore Companies Act, 1938, or in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any tax or any other amount payable under this Act the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of winding up, as the case may be.

Penalty for contravention of Act, rule or regulation.

45. Whoever contravenes any provision of this Act or any rule or regulation made thereunder shall, without prejudice to any other penalty to which he may be liable and if no other penalty is provided by or under this Act for such contravention, be punishable with imprisonment which may extend to six months, or with fine, or with both.

Penalty for certain contraventions.

46. If any person—

(*a*) fails to pay any tax or rent which by or under this Act he is liable to pay; or

(*b*) fails or refuses to submit any return required by the rules or regulations or makes a false return; or

(*c*) obstructs any inspector, or other official of the Corporation, or any other competent authority or person in the discharge of his duties;

he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Prosecution subject to previous sanction of the Government or the Corporation.

47. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Corporation, or by or with the previous sanction of the Government.

(2) No court shall take cognizance of any offence under this Act except on a complaint made in writing in respect thereof, within six months of the date on which the offence is alleged to have been committed.

48. (1) The Government may, subject to the condition of previous publication, make rules to carry into effect the purposes of this Act.

Power of the Government to make rules

(2) Without prejudice to the generality of the foregoing power, rules made under this section may provide for :

(*i*) the manner in which and the conditions subject to which the tax levied under sub-section (1) of section 3 and the rent payable under sub-section (4) of section 27 shall be collected, the persons who shall be liable to make the payments, the making of refunds, remissions and recoveries and the procedure to be followed in remitting the tax or rent to the Corporation, Treasury or the Bank as the case may be ;

(*ii*) the composition of the Mysore Labour Housing Corporation, the manner in which its members shall be chosen, the term of office of its members, the allowances, if any, payable to them, the manner in which the Corporation shall conduct its business including the number of members necessary to form a quorum at a meeting thereof and the minimum number of meetings of the Corporation.

(*iii*) the records to be kept of the transaction of business by the Corporation and the local Committees ;

(*iv*) the powers and duties of officers appointed under section 8 and the conditions of their service ;

(*v*) the procedure to be adopted in the execution of any contracts ;

(*vi*) the acquisition, holding and disposal of property by the Corporation ;

(*vii*) the raising and repayment of loans and the repayment of the sums due to the Government ;

(*viii*) the investment of funds of the Corporation and of any provident or other benefit fund and their transfer or realisation ;

(*ix*) the treasury, or the bank or banks in which the funds of the Corporation may be deposited, the procedure to be followed in regard to the crediting of moneys accruing or payable to the Corporation and the manner in which any sums may be paid out of the Corporation funds and the officers by whom such payment may be authorised ;

(*x*) the accounts to be maintained by the Corporation and the forms in which such accounts shall be kept and the times at which such accounts shall be audited ;

(*xi*) the publication of the accounts of the Corporation and the report of the auditors, the action to be taken on the audit report, the powers of auditors to disallow and surcharge items of expenditure and the recovery of sums so disallowed or surcharged ;

(*xii*) the preparation of budget estimates and of supplementary estimates and the manner in which such estimates shall be sanctioned and published ;

(*xiii*) the establishment and maintenance of provident or other benefit fund for officers and servants of the Corporation ;

(*xiv*) the returns to be submitted by any employer or owner, the form in which and the times at which such returns should be submitted and the particulars to be given in such returns;

(*xv*) the appointment of persons to ensure compliance with any rules or orders and the powers and duties of such persons; and

(*xvi*) any matter which is required or allowed by this Act to be prescribed.

(3) Rules made under this section shall be published in the Official Gazette and thereupon shall have effect as if enacted in this Act.

Power of the Corporation to make regulations.

49. (1) The Corporation may, subject to the condition of previous publication, make regulations not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely,—

(*i*) the duties and powers of inspectors and other officers and servants of the Corporation;

(*ii*) the conditions of service of the officers and servants of the Corporation other than the officers appointed under section 8; and

(*iii*) any matter in respect of which regulations are required or permitted to be made by this Act.

(3) Regulations made under this section shall be published in the Official Gazette and thereupon shall have effect as if enacted in this Act.

The Schedule.

See *section 2(1) (xvi)*.

1. Employment in any textile mill.
2. Employment in any iron or steel works.
3. Employment in any tobacco (including beedi making) manufactory.
4. Employment in any factory as defined in the Mysore Factorie Act, 1936, in which fifty or more persons are employed.

Statement of Objects and Reasons.

The necessity for adopting a definite policy for the proper housing of workers has been stressed by various Labour Enquiry Committees. In their report submitted to the Government of India in March 1946, the Rege Committee after considering the reports of earlier Committees and after studying the housing conditions of labour throughout India have stated that no attempt at raising the standard of living of the industrial workers can be successful without an early solution of the housing problem. Employers will not be able to discharge their duties to the satisfaction of all concerned, if they are statutorily required to provide proper houses for their workers. The only possible course therefore is for the Government to take over control and introduce a labour housing scheme in co-operation with employers and employees. This Bill has accordingly been brought forward.

The administration of the scheme is proposed to be entrusted to a Corporation constituted under an enactment. The Corporation will consist of representatives of Government, employers and employees and will also include certain members elected by the Legislature.

The Labour Housing Fund will be derived from—

(1) the levy of capitation tax on employers;
(2) rents from employee tenants;
(3) grants from Government;
(4) loans; and
(5) any other income to which the Corporation may be entitled.

Provision has been made for the preparation of proper budgets and accounts by the Corporation. Power is also given to Government to supersede the Corporation if it does not perform its duties or abuses its powers.

The Corporation has to prepare and carry out, subject to the previous approval of Government, schemes for the provision of suitable housing accommodation for employees. It may acquire lands suitable for workers'

houses and exercise certain powers under the Mysore Land Acquisition Act for this purpose. The Corporation may raise loans with the approval of Government for its building programmes. The Corporation should keep the houses under its control in good habitable condition and may be called upon by a specified Court or Government or a local authority to effect such repairs as are deemed necessary. The Corporation will exercise similar powers in respect of houses occupied by working class people under the control of others. It is open to the Corporation to provide such amenities as gardens, playgrounds, and other recreation facilities as part of their building programme. Provision has been made to prescribe the conditions subject to which houses may be constructed by employers for their employees and also to prescribe conditions relating to the rights and liabilities of employers and employees in respect of houses provided by employers. Provision is also made to empower Government to require employers to provide housing accommodation to workers when they have no easily accessible dwelling of their own and are employed on works or occupations notified in this behalf by Government. Government will make rules on matters relating to the administration of the Corporation, such as nomination and election of its members, the term of office of the members, powers and duties of its officers, raising of loans, investment of funds, accounts to be maintained by the Corporation, their audit and publication. The Corporation will make regulations on matters relating to the working of the scheme.

NOTIFICATION.

32

No. R. L. 1628-57, dated Bangalore, the 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Labour Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

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THE MYSORE LABOUR BILL.

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SCHEDULE III.

A Bill to consolidate and amend the law relating to the organisation of employees and the settlement of industrial disputes.

WHEREAS it is expedient to consolidate and amend the law relating to the organisation of industrial employees into associations to secure their welfare and the settlement of industrial disputes and for certain other purposes hereinafter appearing—

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, commencement, extent and application.

1. (1) This Act may be called the Mysore Labour Act, 194 .

(2) It shall come into force at once.

(3) It extends to the whole of Mysore.

(4) It shall apply to all industrial concerns whether owned by a person or by the Government or by a local authority.

Recognition of association of employees.

2. (1) The right of employees in an industrial concern to combine into an association for the promotion of their common interests is hereby recognised and declared:

Provided that there shall be only one association of employees in respect of an industrial concern.

(2) The Government may extend this right to employees in small industrial concerns engaged in work of the same nature in any local area or to employees in industrial concerns engaged in work of the same nature located in different areas.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context—

(1) "association" means any combination of employees in any industrial concern formed mainly for the purpose of regulating the relations between employees and employers or between employees and employees of that concern and includes a federation of two or more such associations.

(2) "award" means any interim or final determination in an arbitration proceeding of any industrial dispute or of any question relating thereto.

(3) "Board" means the Board of Conciliation constituted under this Act;

(4) "change" means an alteration in any industrial matter;

(5) "Commissioner of Labour" includes an Assistant Commissioner of Labour;

(6) "conciliation proceeding" means any proceeding held by a Conciliator or a Board under this Act;

(7) "Conciliator" means any Conciliator appointed under this Act and includes the Chief Conciliator or a Special Conciliator;

(8) "Court" means a Court of enquiry constituted under section 83;

(9) "employee" means any person employed to do any skilled or unskilled manual or clerical work for hire or reward in any industry, and includes—

(*a*) a person employed by a contractor to do any work for him in the execution of a contract with an employer within the meaning of subclause (*e*) of clause (10),

(*b*) a person who has been dismissed or discharged from employment on account of any dispute relating to a change in respect of which a notice is given or an application made under section 44 whether before or after his discharge;

(10) "employer" includes—

(*a*) an association or a group of employers;

(*b*) any agent of an employer;

(*c*) where an industry is conducted or carried on by a department of the Government, the authority prescribed in that behalf, and where no such authority has been prescribed the head of the department;

(*d*) where an industry is conducted or carried on by or on behalf of a local authority, the chief executive officer of such authority; or

(*e*) where the owner of any industrial concern in the course of, or for the purpose of, conducting such concern contracts with any person for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the concern, the owner of the concern;

(11) "industrial concern" means a unit of industry under one employer in the same city, town or village;

(12) "industrial dispute" means any dispute or difference between an employer and employee or between employers and employees or between employees and employees and which is connected with any industrial matter;

(13) "industrial matter" means any matter relating to work, pay, wages, rewards, hours of work, privileges, rights or duties of employers or employees or the mode, terms and conditions of employment or non-employment and includes—

(*a*) all matters pertaining to the relationship between employers and employees, or to the dismissal or non-employment of any person;

(*b*) all matters pertaining to the demarcation of functions of any employees or classes of employees;

(*c*) all matters pertaining to any right or claim under or in respect of or concerning an agreement, settlement, or award made under this Act;

(*d*) all questions of what is fair and right in relation to any industrial matter, having regard to the interest of the person immediately concerned and of the community as a whole;

(14) "Industry" means—

(*a*) any business, trade, manufacture or undertaking or calling of employers;

(*b*) any calling, service, employment, handicraft or industrial occupation or avocation of employees; and includes—

(i) any branch of an industry or group of industries which the Government may, by notification in the official Gazette, declare to be an industry for purposes of this Act;

(ii) agriculture and agricultural operations from such date as the Government may notify in that behalf;

(15) "Labour Officer" means a Labour Officer appointed under this Act;

(16) "local area" means any area notified by the Government as a local area for the purposes of this Act;

(17) "lock-out" means the closing of a place or part of a place of employment or the total or partial

suspension of work by an employer, or the total or partial refusal by an employer to continue to employ persons employed by him, where such closing, suspension or refusal occurs in consequence of an industrial dispute and is intended for the purpose of—

(*a*) compelling any of the employees directly affected by such closing, suspension or refusal or any other employees of his ;or

(*b*) aiding any other employer in compelling persons employed by him,

to accept any term or condition of or affecting employment ;

(18) "member" means a person who is an ordinary member of an association and who is paying a subscription of not less than one anna per month and the term "membership" shall be construed accordingly and shall include an honorary member holding an office in the association ;

(19) "prescribed" means prescribed by rules made under this Act ;

(20) "public utility service" means—

(i) any railway service ;

(ii) any section of an industrial concern, on the working of which the safety of the concern or the employees employed therein depends ;

(iii) any postal, telegraph or telephone service ;

(iv) any industry, which supplies power, light or water to the public ;

(v) any system of public conservancy or sanitation ;

(vi) any industry specified in Schedule III which the Government may, if satisfied that public emergency or public interest so requires, by notification in the Official Gazette declare to be a public utility service for the purposes of this Act, for such period as may be specified in the notification :

Provided that the period so specified shall not, in the first instance, exceed six months, but may, by a like notification, be extended from time to time, by any period not exceeding six months, at any one time if in the opinion, of the Government public emergency or public interest requires such extension ;

(21) "registered association" means an association of employees registered under this Act ;

(22) "registered office" means that office of an association which is registered under this Act as the head office thereof;

(23) "Registrar" means a person for the time being appointed to be the Registrar of Associations under this Act;

(24) "Schedule" means a schedule appended to this Act;

(25) "settlement" means a settlement arrived at during the course of a conciliation proceeding;

(26) "strike" means a total or partial cessation or slowing down of work by employees employed in an industrial concern acting in combination or a concerted refusal or a refusal under a common understanding of employees to continue to work or to accept work, where such cessation or slowing down or refusal is in consequence of an industrial dispute in any industrial concern and is intended for the purpose of compelling any employer to accept any term or condition of or affecting employment.

CHAPTER II.

AUTHORITIES TO BE CONSTITUTED OR APPOINTED UNDER THIS ACT AND THEIR POWERS.

Commissioner and Assistant Commissioners of Labour

4. (1) The Government shall, by notification in the Official Gazette, appoint a person to be the Commissioner of Labour whose jurisdiction shall extend throughout Mysore.

(2) The Government may also appoint for any local area or otherwise one or more Assistant Commissioners of Labour, who shall exercise such of the powers and perform such of the duties of the Commissioner as may be delegated by him, and subject to his control and supervision.

Registrar of Associations.

5. (1) The Government shall, by notification in the Official Gazette, appoint a person to be the Registrar of Associations for the whole of Mysore.

(2) The Registrar shall maintain a register of associations registered by him and such other registers as may be prescribed.

Chief Conciliator, Conciliators and Special Conciliators.

6. (1) The Government may, by notification in the Official Gazette, appoint a person to be the Chief Conciliator whose jurisdiction shall extend throughout Mysore.

(2) The Government may, by notification in the Official Gazette, appoint, either permanently or for a limited period, any person to be a Conciliator for any industry or any local area specified in the notification.

(3) The Government may, by notification in the Official Gazette, appoint, either permanently or for a limited period, any person to be a Special Conciliator for such local area or for such industry for such local area or for such industrial dispute or class of disputes as may be specified in the notification.

Board of Conciliation

7. (1) When an industrial dispute arises, the Government may, by notification in the Official Gazette, constitute a Board of Conciliation for promoting the settlement of such dispute.

(2) The Board shall consist of a Chairman and two other members who shall be independent persons.

(3) If any vacancy occurs in the office of the Chairman or a member of the Board before the Board has completed its work, the Government shall appoint another independent person to fill the vacancy, and the proceedings shall be continued before the Board as so reconstituted

from the stage at which they were when the vacancy occurred.

Explanation.—For the purposes of this section a person shall be deemed to be independent if he is unconnected with the dispute for the settlement of which the Board is constituted and the industry directly affected by the dispute.

Labour Officer and Assistant Labour Officers.

8. (1) The Government may, by notification in the Official Gazette, appoint a person to be the Labour Officer for any local area or areas.

(2) The Government may, by similar notification, appoint Assistant Labour Officers for any local area who shall exercise such of the powers and perform such of the duties of the Labour Officer as may be delegated by him, and subject to his control and supervision.

(3) The Labour Officers and Assistant Labour Officers shall be subject to the control and supervision of the Commissioner of Labour.

Industrial Court.

9. (1) The Government shall constitute an Industrial Court for determining industrial disputes and for dealing with other matters under the provisions of this Act and the rules made thereunder.

(2) The Industrial Court shall consist of three or more members, one of whom shall be a person who is or has been a Judge of the High Court of Mysore and shall be its President.

(3) Every member of the Industrial Court shall be a person who is not connected with any industry.

Powers of the Commissioner of Labour.

10. (1) For the purpose of exercising his powers and performing his duties, the Commissioner of Labour may, after giving reasonable notice, enter any place used for the purpose of any industry or as the office of any registered association and shall be entitled to call for and inspect all relevant documents which are necessary for the due discharge of his duties and powers under this Act. The Commissioner may for the same purpose enter, after giving reasonable notice, any premises provided by an employer for the purpose of residence of his employees.

(2) All particulars contained, in or information obtained from, any document inspected or called for under sub-section (1) shall, if the person in whose possession the document was, so requires, be treated as confidential.

(3) The Commissioner shall be entitled to appear in any proceeding under the Act and also to attend meetings of registered associations.

Commissioner's duties.

11. It shall be the duty of the Commissioner of Labour to help in organising association of employees in each industrial concern employing not less than 100 employees and assist the officers of registered associations in the discharge of their duties and in developing the work of such associations.

Powers of Conciliators, Special Conciliators, Boards, Courts, and Industrial Court.

12. (1) Conciliators, Special Conciliators, Boards, Courts and the Industrial Court shall, subject to the provisions of this Act, follow such procedure as may be prescribed.

(2) A Conciliator, Special Conciliator or a member of a Board, Court or the Industrial Court may, for the purpose of inquiry into an industrial dispute, after giving reasonable notice, enter the premises occupied by any industrial concern to which the dispute relates.

(3) Every Board, Court and the Industrial Court shall have the same powers as are vested in the Civil Court under the Code of Civil Procedure, 1911, when trying a suit in respect of the following matters, namely:—

(*a*) enforcing the attendance of any person and examining him on oath;

(*b*) compelling the production of documents and material objects;

(*c*) issuing commissions for the examination of witnesses;

(*d*) in respect of such other matters as may be prescribed.

(4) Every proceeding before a Board, Court or Industrial Court shall be deemed to be a judicial proceeding within the meaning of sections 192, 193 and 228 of the Indian Penal Code as in force in Mysore, and within the meaning of the Contempt of Courts Act, 1930.

(5) A Conciliator or Special Conciliator may call for and inspect any document which he has ground for considering to be relevant to the industrial dispute.

(6) With the consent of all parties to the dispute, a Court or the Industrial Court may, if it so thinks fit, appoint one or more persons as assessors to advise it in the proceedings.

(7) Every Conciliator, Special Conciliator and every member of a Board, Court or the Industrial Court shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

CHAPTER III.

REGISTRATION OF ASSOCIATIONS.

Mode of registration.

13. Any seven or more members of an association may, by subscribing their names to the rules of the association and by otherwise complying with the provisions of this Act with respect to registration, apply for registration of the association under this Act.

Application for registration.

14. Every application for registration of an association shall be made to the Registrar, and shall be accompanied by a copy of the rules of the association and a statement of the following particulars, namely :—

(*a*) the names, occupations and addresses of the members making the application ;

(*b*) the name of the association and the address of the head office ; and

(*c*) the titles, names, ages, addresses and occupations of the officers of the association.

Provisions to be contained in the rules of an association.

15. An association shall not be entitled to registration under this Act unless the executive thereof is constituted in accordance with the provisions of this Act, and the rules thereof provide for the following matters, namely :—

(*a*) the name of the association ;

(*b*) the whole of the objects for which the association is established ;

(*c*) the whole of the purposes for which the general funds of the association shall be applicable, all of which shall be purposes to which such funds are lawfully applicable under this Act ;

(*d*) the maintenance of a list of members of the association and adequate facilities for the inspection thereof by the officers and members of the association ;—

(*e*) the admission of ordinary members who shall be members actually engaged or employed in the industrial concern concerned and also the condition for the admission of honorary members as officers ; provided that not more than two such members shall be so admitted into any association.

Provided further that no one shall be an honorary member of more than one association at the same time.

Provided also that when it is an association of employees in an industrial concern conducted or carried on by the Government either by itself or in association with any other Government, the general body of the association may admit only two Government servants,

as honorary members even though they are not employed in that concern.

(*f*) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members;

(*g*) the manner in which the rulesshall be amended, varied or rescinded;

(*h*) the manner in which the members of the executive and the other officers of the association shall be appointed and removed;

(*i*) the safe custody of the funds of the association, an annual audit, in such manner as may be prescribed, of the accounts thereof, and adequate facilities for the inspection of the account books by the officers and members of the association;

(*j*) the manner in which the association may be dissolved; and

(*k*) the procedure to be followed before the association can call a strike, including a secret ballot of the members and the minimum votes necessary.

Power to call for further particulars.

16. The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of section 14 or that the association is entitled to registration under section 15 and may refuse to register the association until such information is supplied.

Registration.

17. The Registrar, on being satisfied that the association has complied with all the requirements of the Act in regard to registration and that the association is not otherwise disqualified for registration, and on payment of the fee prescribed, shall register the association by entering in the appropriate register, the particulars relating to the association contained in the statement accompanying the application for registration, and issue a certificate of registration in the prescribed form which shall be conclusive evidence that the association has been duly registered under this Act.

Cancellation of registration.

18. A certificate of registration of an association may be withdrawn or cancelled by the Registrar,—

(*a*) if the Industrial Court directs that the registration of such association shall be cancelled; or

(*b*) if the Registrar is satisfied that—

(i) the certificate has been obtained by misrepresentation, fraud or mistake; or

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(ii) the association has ceased to exist; or

(iii) the association has willingly and after notice from the Registrar contravened any provisions of this Act; or allowed any rule to continue in force which is inconsistent with any such provision, or has rescinded any rule providing for any matter provision for which is required by section 15:

Provided that not less than two months' previous notice in writing specifying the ground on which it is proposed to withdraw or cancel the certificate shall be given by the Registrar before the certificate is withdrawn or cancelled under this clause.

Application for re-registration.

19. (1) Any association whose certificate of registration has been withdrawn or cancelled on the ground that it was registered under a mistake may, at any time after six months from the date of such withdrawal or cancellation and on payment of such fees as may be prescribed, apply for re-registration.

(2) An association, whose certificate of registration has been withdrawn or cancelled on any other ground may apply for registration if the Government by order and for reasons to be recorded permit such re-registration.

(3) The provisions of this Act relating to the registration of an association shall apply to the applications for re-registration under this section.

Liability of members of association not relieved by withdrawal or cancellation of registration.

20. Notwithstanding anything contained in any law for the time being in force, the withdrawal or cancellation of the certificate of registration of an association shall not relieve the association or any member thereof from any penalty or liability incurred under this Act prior to such cancellation.

Appeal to Industrial Court from orders of Registrar.

21. (1) Any person aggrieved by any refusal of the Registrar to register an association or by the withdrawal or cancellation of a certificate of registration may, within thirty days from the date of such refusal, withdrawal or cancellation, appeal to the Industrial Court.

(2) The Industrial Court may admit an appeal under sub-section (1) if, on perusal of the memorandum of appeal and the decision appealed against, it finds that the decision is contrary to law or otherwise erroneous.

(3) The Industrial Court may in appeal confirm, modify or rescind any order passed by the Registrar and may pass such consequential orders as it may deem fit. A copy of the orders passed by the Industrial Court shall

be sent to the Registrar and he shall comply with such orders.

Registered office.

22. All communications and notices to a registered association may be addressed to its registered office. Notice of any change in the address of the head office shall be given within fourteen days of such change to the Registrar in writing, and the changed address shall be recorded in the register referred to in section 17.

Incorporation of registered association.

23. Every registered association shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal with power to acquire and hold both movable and immovable property and to contract, and shall by the said name sue and be sued.

Certain Acts not to apply to registered associations.

24. The following Acts, namely,—

(*a*) The Societies Registration Act, 1904;

(*b*) The Mysore Co-operative Societies Act, 1948;

(*c*) The Mysore Companies Act, 1938; and

(*d*) The Insurance Act, 1939;

shall not apply to any registered association, and the registration of any such association, under any such Act, shall be void.

CHAPTER IV.

RIGHTS AND LIABILITIES OF REGISTERED ASSOCIATIONS.

Objects on which general funds may be spent.

25. The general funds of a registered association shall not be spent on any objects other than the following, namely,—

(*a*) the payment of salaries, allowances and expenses to officers of the association;

(*b*) the payment of expenses for the administration of the association, including audit of the accounts of the general funds of the association;

(*c*) the prosecution or defence of any legal proceeding to which the association or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the association as such or any rights arising out of the relations of any member with his employer;

(*d*) the conduct of labour disputes on behalf of the association or any member thereof;

(*e*) the compensation of members for loss arising out of labour disputes;

(*f*) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members;

(*g*) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident, old age or unemployment;

(*h*) the provision of educational or social benefits for members (including the payment of expenses of funeral or religious ceremonies for deceased members); or

(*i*) the upkeep of a periodical published by a registered association mainly for the purpose of discussing questions affecting employers and employees;

(*j*) the payment of expenses in connection with the election of representatives of labour provided by statute for the Houses of Legislature and local bodies in Mysore not exceeding a sum of rupees one hundred in each case; and

(*k*) subject to any conditions contained in the notification, any other object notified by the Government in the Official Gazette.

Immunity from civil suit in certain cases.

26. (1) No suit or other legal proceeding shall be maintainable in any civil court against any registered association or any officer or member thereof in respect of any act done in contemplation, or furtherance, of an industrial dispute to which a member of the association is a party, on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the industry, business or employment of some other person to dispose of his capital or his labour as he wills.

(2) A registered association shall not be liable in any suit or other legal proceeding in any civil court in respect of any tortious act done in contemplation, or furtherance, of an industrial dispute by an agent of the association, if it is proved that such person acted without the knowledge of, or contrary to, express instructions given by the executive of the association.

Enforceability of agreements.

27. Notwithstanding anything contained in any other law for the time being in force, an agreement between the members of a registered association shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade:

Provided that nothing in this section shall enable any civil court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages for the breach of any agreement concerning the conditions

on which any member of an association shall or shall not work, or be employed.

Right to inspect book of association.

28. The account books of a registered association and the list of members thereof shall be open to inspection by an officer or member of the association at such times as may be provided for in the rules of the association.

Right of minors to membership of associations.

29. Any person who has attained the age of fifteen years may be a member of a registered association subject to any rules of the association to the contrary, and may, subject as aforesaid, enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the rules:

Provided that no person who has not attained the age of eighteen years shall be a member of the executive of any such association.

Change of name.

30. Any registered association may, with the consent of not less than two-thirds of the total number of its members and subject to the provisions of section 32, change its name.

Federation of associations.

31. Any two or more registered associations may federate in the manner prescribed in this behalf.

Notice of change of name.

32. (1) Notice in writing of every change of name signed by the Secretary and by seven members of the association changing its name shall be sent to the Registrar.

(2) The Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the register referred to in section 17 and the change of name shall have effect from the date of such registration.

(3) The Registrar shall, if he is satisfied that the provisions of this Act and the rules made thereunder in respect of federation, have been complied with and that the federation formed thereby is entitled to registration under section 16, register the federation in the manner provided in section 17, and the federation shall have effect from the date of such registration.

Effect of change of name.

33. (1) The change in the name of a registered association shall not affect any rights or obligations of the association or render defective any legal proceeding by or against the association, and any legal proceeding which might have been continued or commenced by, or against it by its former name, may be continued or commenced by, or against it, by its new name.

(2) A federation of two or more associations shall not prejudice any right of any such associations or any right of a creditor of any of them.

Dissolution

34. (1) When a registered association is dissolved, notice of the dissolution signed by seven members and by the Secretary of the association shall, within fourteen days of the dissolution, be sent to the Registrar, and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the association, and the dissolution shall have effect from the date of registration.

(2) Where the dissolution of a registered association has been registered and the rules of the association do not provide for the distribution of funds of the association on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

(3) Where the certificate of registration of an association is withdrawn or cancelled under section 18, the funds, if any, of such association shall be distributed by the Registrar amongst such persons and in such manner as may be prescribed.

Returns.

35. (1) There shall be sent annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of every registered association during the year ending on the 30th day of June next preceding such prescribed date, and of the assets and liabilities of the association existing on the 30th day of June. The statement shall be prepared in such form and shall comprise such particulars as may be prescribed.

(2) Together with the general statement there shall be sent to the Registrar a statement showing all changes of officers made by the registered association during the year to which the general statement refers, together with a copy of the rules of such association corrected up to the date of despatch thereof to the Registrar.

(3) A copy of every alteration made in the rules of a registered association shall be sent to the Registrar within fifteen days of the making of the alteration.

(4) Every registered association shall also send to the Registrar such other statements and returns in such form and containing such particulars at such times as may be prescribed.

Liability of the executive of an association.

36. Where anything is required to be done by any association by or under any provision of this Act, the person authorised in this behalf by the executive of the association, or if no person is so authorised, every member of the executive of the association shall be bound to do the same and shall be personally liable if default is made in the doing of any such thing.

Explanation.—For the purposes of this section executive of an association means any body by whatever name called to which the management of the affairs of the association is entrusted.

Representation in proceedings.

37. (1) No association of employees eother than those registered under this Act shall be rcognised or permitted to be represented in any proceeding under this Act.

(2) No party to an industrial dispute shall be entitled to be represented by a legal practitioner except in proceedings before a Court of Enquiry or the Industrial Court.

CHAPTER V.

Powers and Duties of Labour Officer.

Powers and duties of Labour Officer.

38. (1) A Labour Officer shall exercise the powers conferred and perform the duties imposed on him by or under this Act.

(2) For the purpose of exercising such powers and performing such duties a Labour Officer may, at any reasonable time, enter and inspect—

(*a*) any place used for the purpose of any industrial concern;

(*b*) any place used as the office of any registered association;

(*c*) any premises provided by an employer for the residence of his employees;

and shall be entitled to call for and inspect all relevant documents which he may deem necessary for the due discharge of his duties and powers under this Act.

(3) All particulars contained in, or information obtained from, any document inspected or called for under sub-section (2) shall, if the person in whose possession the document was, so requires, be treated as confidential.

(4) A Labour Officer may, after giving reasonable notice, convene a meeting of employees for any of the

imposes of this Act, on the premises where they are employed, and may require the employer to affix a written notice of the meeting at such conspicuous place in such premises as he may order and may also affix such notice himself. The notice shall specify the date, time and place of the meeting, the employees affected, and the purpose for which the meeting is convened:

Provided that during the continuance of a lock-out which is not illegal, no meeting of employees affected thereby shall be convened on such premises without the employer's consent.

(5) A Labour Officer shall be entitled to appear in any proceeding under this act.

(6) It shall be the duty of the Labour Officer to—

(*a*) watch the interests of employees and promote harmonious relations between employers and employees;

(*b*) investigate the grievances of employees and represent to employers such grievances and make recommendations to them for their redress;

(*c*) report to the Government the existence of any industrial dispute of which no notice of change has been given together with the names of the parties thereto.

CHAPTER VI.

Standing Orders.

Settlement of standing orders by the Commissioner of Labour.

39. (1) Within three months from the date of the commencement of this Act the employer of every industrial concern then existing, and the employer of every industrial concern started after the date of the coming into operation of this Act, within two months after the commencement of such concern, shall submit to the Commissioner of Labour a statement of standing orders regulating the relations between him and his employees in respect of matters specified in Schedule I and simultaneously furnish a copy of the same in English and Kannada to the registered association of his employees.

(2) The association shall submit to the Commissioner of Labour within fifteen days of such receipt any points objected to by them as inconsistent with existing

practice. The Commissioner of Labour shall thereupon hold a summary enquiry on such points, settle the standing orders as found by him and furnish both to the employer and to the association a copy of the standing orders as settled by him.

(3) The Commissioner of Labour shall forward a copy of the standing orders so settled to the Registrar, who shall, within fifteen days of their receipt, record them in the register kept for the purpose.

(4) Standing orders so settled shall come into operation from the date of their record in the register under sub-section (3).

Appeal to the Industrial Court.

40. (1) An appeal shall lie to the Industrial Court from the order of settlement of the standing orders by the Commissioner of Labour under section 39, provided that such appeal is preferred within fifteen days from the date of the settlement exclusive of the time required for obtaining a copy thereof:

Provided that the Industrial Court may, for sufficient cause, admit any appeal after the expiry of the period of fifteen days.

(2) On an appeal being filed, the Industrial Court may, on the application of any party to such appeal and on such conditions as it may think fit, stay the operation of all or any of such standing orders until the appeal is decided.

(3) The Industrial Court in appeal may confirm, modify, add to or rescind all or any of such standing orders.

(4) The Industrial Court shall fix the date on which all or any of the standing orders settled by it under sub-section (3) shall come into operation.

(5) A copy of the orders passed by the Industrial Court under sub-section (3) shall be sent to the Registrar who shall record them in the register referred to in sub-section (3) of section 39.

No alteration in standing orders for six months.

41. (1) No alteration shall be made for a period of six months from the date of its coming into operation of any standing order settled under the foregoing provisions of this Chapter except by the Industrial Court on review where such review lies.

Review.

42. (1) Any person aggrieved by a decision of the Industrial Court under section 40 may, within thirty days from the date of the decision, apply to the Industrial Court for a review of the said decision.

(2) The Industrial Court shall not grant such application unless it is satisfied that there has been a discovery of a new and important matter or evidence, which after the exercise of due diligence was not within the knowledge of the party making the application or could not be produced by him at the time when its decision was made, or that there has been some mistake or error apparent on the face of the record or that there is any other sufficient reason for granting such application.

(3) The provisions of sub-sections (2), (3), (4) and (5) of section 40 shall, so far as may be, apply to proceedings under sub-section (1) in the same manner as they apply to an appeal against standing orders settled by the Commissioner of Labour under section 39.

Standing orders to be determinative.

43. Standing orders in respect of an employer and his employees, settled under this Chapter and in operation, shall be determinative of the relations between the employer and his employees in regard to all industrial matters included therein.

CHAPTER VII.

CHANGES.

Employers or association desiring change in standing orders and other industrial matters to give notice.

44. (1) An employer intending to effect any change in any standing order settled by the Commissioner of Labour under section 39 or by the Industrial Court on appeal or review under sections 40 and 42, as the case may be, or in respect of an industrial matter mentioned in Schedule II shall give notice of such intention in the prescribed form to the registered association. He shall send a copy of such notice to the Commissioner of Labour, the Chief Conciliator, the Conciliator, the Registrar, and to such other persons as may be prescribed. He shall also affix a copy of such notice at a conspicuous place in the premises where the employees affected by the change are employed for work and at such other place as may be directed by the Chief Conciliator in any case.

(2) A registered association desiring a change in any such standing order or in respect of any other industrial matter shall give notice, in the form prescribed, to the employer and shall also forward a copy of the notice to the Commissioner of Labour, the Chief Conciliator, the Conciliator, the Registrar, and to such other persons as may be prescribed:

Provided that such association shall not be entitled to give a notice of change in respect of an employee who is discharged or dismissed or otherwise dealt with under standing orders.

(3) When no settlement is arrived at in any conciliation proceeding in regard to any industrial dispute which has arisen in consequence of a notice, relating to any change given under sub-sections (1) or (2), no fresh notice with regard to the same change or a change similar in all material particulars shall be given before the expiry of two months from the date of the completion of the proceeding within the meaning of section 59. If, at any time after the expiry of the said period of two months, any employer or registered association desires the same change or a change similar in all material particulars, he or it shall give fresh notice in the manner provided in sub-sections (1) or (2), as the case may be.

(4) The employer and the registered association shall maintain records of all negotiations with each other and shall produce such records, when called upon to do so during any subsequent proceedings under the Act.

Agreement regarding change.

45. (1) If within seven days from the date of service of a notice under section 44 or within such further period as may be mutually fixed by the employer and registered association, an agreement is arrived at in regard to the proposed change, a memorandum of such agreement signed by the employer as well as the association shall be forwarded in the prescribed manner to the Chief Conciliator, the Registrar and the Labour Officer.

(2) On receipt of such memorandum of agreement the Registrar shall enter the same in a register maintained for the purpose unless on inquiry he is satisfied that the agreement was in contravention of any of the provisions of this Act or was the result of mistake, misrepresentation, fraud, undue influence, coercion or threat.

(3) An appeal shall lie to the Industrial Court against an order of the Registrar refusing to register an agreement under sub-section (2). The provisions of section 21 shall apply to such appeal.

Agreement to come into force.

46. An agreement registered under section 45 shall come into operation on the date specified therein or if no date is so specified on its being recorded by the Registrar.

Illegal change.

47. (1) No employer shall make any change in any standing order settled under Chapter VI, or in any

industrial matter mentioned in Schedule II, before the agreement referred to in section 45 is arrived at and registered, or where no such agreement is arrived at before the conciliation proceedings are completed or in cases in which the dispute has been referred to arbitration or the Industrial Court, before the date on which the award comes into operation.

(2) No employer shall make any such change in contravention of the terms of a settlement, award or registered agreement.

(3) Any change made in contravention of the provisions of sub-section (1), (2) or (3) shall be illegal.

(4) Failure to carry out the terms of any settlement, award or registered agreement shall be deemed to be an illegal change.

CHAPTER VIII.

Works Committees.

Works Committees.

48. (1) In the case of any industrial concern in which one hundred or more employees are employed or have been employed on any day in the preceding twelve months, the Government may, 'by general or special order' require the employer to constitute in the prescribed manner a Works Committee consisting of representatives of employers and employees engaged in the concern so however that the number of representatives of employees on the Committee shall not be less than the number of representatives of the employer. The representatives of the employees shall be chosen in the prescribed manner from among the employees engaged in the concern and in consultation with their association, if any, registered under this Act.

(2) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and employees and, to that end to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters.

CHAPTER IX

CONCILIATION PROCEEDINGS.

Report of disputes to be sent to the Commissioner of Labour Registrar, Chief Conciliator and Conciliator.

49. If any proposed change in respect of which notice is given under section 44 is objected to by the employer or the association, as the case may be, the party who gave such notice, shall, if he still desires that the change should be effected, forward to the Commissioner of Labour, Registrar, the Chief Conciliator and the Conciliator for the local area for the industry concerned a full statement of the case in the prescribed form within fifteen days from the date of service of such notice on the other party or within one week of the expiry of the period fixed by both the parties under sub-section (1) of section 45 for arriving at an agreement.

Explanation.—For the purposes of this sub-section a change shall be deemed to be objected to by the employer or the association, as the case may be, if within seven days from the date of service of such notice, or within the period fixed by both the parties under sub-section (1) of section 45 for arriving at an agreement a memorandum of agreement has not been forwarded to the Registrar under the said sub-section.

Report of dispute between employees and employees.

50. A registered association for an industry in a local area desiring conciliation in respect of any dispute between employees and employees in such industry shall submit a full statement of the case in the prescribed form to the Commissioner of Labour, Chief Conciliator and the Conciliator for the local area.

Commencement of conciliation proceeding.

51. On receipt of the statement of the case under sections 49 or 50 the Conciliator shall, except in a case in which by reason of the provisions of section 60 a conciliation proceeding cannot be commenced, forthwith enter the industrial dispute in the register kept for the purpose and thereupon the conciliation proceeding shall be deemed to have commenced from the date of such receipt.

Conciliation proceeding.

52. (1) The Conciliator shall hold the conciliation proceeding in the prescribed manner.

(2) It shall be the duty of the Conciliator to endeavour to bring about the settlement of the industrial

dispute and for this purpose the Conciliator shall enquire into the dispute and all matters affecting the merits thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute and may adjourn the conciliation proceeding for any period sufficient in his opinion to allow the parties to arrive at a settlement or for any other reason.

Power of Chief Conciliator to intervene.

53. (1) It shall be lawful for the Chief Conciliator to intervene or to direct any Conciliator to intervene at any stage in any conciliation proceeding held by another Conciliator, and thereafter the Chief Conciliator or the Conciliator so directed shall hold the conciliation proceeding with or without the assistance of the Conciliator.

(2) The Chief Conciliator may from time to time issue such directions as he deems fit to any Conciliator at any stage of a conciliation proceeding.

Settlement and report.

54. (1) If a settlement of an industrial dispute is arrived at in a conciliation proceeding, a memorandum of such settlement shall be drawn up in the prescribed form by the Conciliator and signed by the employer and the association. The Conciliator shall send a report of the proceeding along with a copy of the memorandum of settlement to the Commissioner of Labours, Registrar and the Chief Conciliator. The Registrar shall record such settlement in the register of agreements and shall then publish it in the prescribed manner. The change, if any, agreed to by such settlement shall come into operation from the date agreed upon in such settlement and where no such date is agreed upon from the date on which it is recorded in the register.

(2) If no such settlement is arrived at, the Conciliator shall, as soon as possible after the close of the proceeding before him, send a full report to the Chief Conciliator stating the steps taken by him for ascertaining the facts and circumstances relating to the dispute and the reasons on account of which, in his opinion, a settlement could not be arrived at:

Provided that where such Conciliator is the Chief Conciliator such report shall be forwarded by him to the Government.

(3) The Chief Conciliator shall forward the report submitted to him under sub-section (2) to the Government with such remarks as he deems fit.

(4) The Government shall publish the report of the Conciliator or Chief Conciliator forwarded to it under the proviso to sub-section (2) or under sub-section (3) except in cases in which the dispute is referred to a Board, or the parties to the dispute enter into a submission in respect of it.

(5) Before the close of the proceeding before him the Conciliator shall ascertain from the parties whether they are willing to submit the dispute to arbitration.

(6) (*a*) Notwithstanding anything contained in the foregoing sub-sections, if at any stage of a conciliation proceeding the parties agree in writing to submit the dispute to arbitration the agreement shall be deemed to be a submission within the meaning of section 62.

(*b*) Where the agreement provides for arbitration by the Industrial Court, the Conciliator shall forthwith refer the dispute to the Industrial Court.

Reference to Board.

55. (1) The Government may, at any time, and where either prior to the commencement of a proceeding before the Conciliator or after his failure to bring about a settlement, the parties agree, shall refer the dispute to a Board and thereupon conciliation proceedings before the Board shall be deemed to have commenced from the date of such reference.

(2) On such reference being made, the Board shall give notice in the prescribed manner to the parties to the dispute to appear before it at such time and place as may be specified in the notice. A copy of such notice shall be sent to the Labour Officer.

(3) On the date specified in the notice or on such other date as may be fixed by the Board, the Board shall hold the conciliation proceeding. It shall be the duty of the Board to endeavour to bring about a settlement of the industrial dispute and the provisions of section 51 and section 52 shall, so far as may be, apply to the proceeding before the Board.

Procedure of Conciliator and Board.

56. A Conciliator or a Board, as the case may be, shall, subject to the provisions of this Act, follow in a conciliation proceeding such procedure as may be prescribed.

57. A Conciliator or a Board may refer any question of law arising before him or it in any conciliation proceeding to the Industrial Court for decision. An order passed by the Conciliator or the Board in such proceeding shall be in accordance with such decision.

Reference Industrial Court by Conciliat or Board.

58. (1) The Government shall, by general or special order, fix a time limit for the completion of each stage of the conciliation proceeding provided for under this Chapter:

Time limit for stages of conciliation proceeding.

Provided that the total period fixed for the completion of all stages of a conciliation proceeding shall not exceed one month from the date on which the dispute is entered by the Conciliator in the register under section 51 or is referred to a Board under section 55:

Provided further that the Government may extend the said period of one month by a further period of a fortnight at a time but not exceeding in any case two months in the aggregate.

(2) Notwithstanding anything contained in sub-section (1), the parties to any industrial dispute may in any case agree to extend the period fixed for the completion of any stage of a conciliation proceeding by any further period and such further period shall be excluded in computing the period of time limit referred to in the said sub-section.

59. A conciliation proceeding shall be deemed to have been completed—

Completion of conciliation proceeding.

(i) when a memorandum of the settlement arrived at in such proceeding is signed by the parties under sub-section (1) of section 54, or

(ii) when the parties agree in writing to submit the dispute to arbitration, or

(iii) if no settlement is arrived at, when the report of the Conciliator or the Board is published by the Government, or

(iv) when the time limit fixed for the completion of such proceeding under section 58 has expired.

60. No conciliation proceeding in respect of an industrial dispute shall—

Conciliation proceeding not to be commenced or continued in certain cases.

(*a*) be commenced if—

(*i*) the registered association is a party to a submission relating to such dispute or a dispute relating to an industrial matter similar to that regarding which the dispute has arisen;

(ii) it has been referred for adjudication under the provisions of section 67 or 68;

(b) be continued after the date on which—

(i) a submission relating to such dispute is entered into by the employer and employees concerned under section 55 or 62,

(ii) it is referred for adjudication under section 67 or 68.

Conciliation proceeding discontinued deemed to be completed.

61. A conciliation proceeding which is discontinued under clause (b) of section 60 shall be deemed to have been completed on the date referred to in the said clause, and the provisions of section 54 with regard to the submission, forwarding and publication of reports shall apply to such conciliation proceeding.

CHAPTER X

ARBITRATION.

Submission.

62. (1) Any employer and any registered association may, by a written agreement, agree to submit any present or future industrial dispute or class of such disputes to the arbitration of any person whether such arbitrator is named in such agreement or not. Such agreement shall be called a submission.

(2) Such submission may provide that the dispute shall be referred to the arbitration of the Industrial Court.

(3) A copy of every such submission shall be sent to the Registrar who shall register it in the register to be maintained for the purpose and shall publish it in such manner as may be prescribed.

Submission when revocable.

63. Every submission shall, in the absence of any provision to the contrary contained therein, be irrevocable:

Provided that a submission to refer future disputes to arbitration may, at any time, be revoked by any of the parties to such submission by giving the other party six months' notice in writing;

Provided further that before the expiry of the said period of six months the parties may agree to continue

the submission for such further period as may be agreed upon between them.

Proceedings in arbitration.

64. The proceedings in arbitration under this Chapter shall be in accordance with the provisions of the Mysore Arbitration Act, 1917, in so far as they are applicable, and the powers which are exercisable by a civil court under the said provisions shall be exercisable by the Industrial Court.

Special case to be stated to Industrial Court.

65. The arbitrator may refer any question of law arising before him in any proceeding under this Act to the Industrial Court for its decision. Any award made by the arbitrator shall be in accordance with such decision.

Award by arbitrator

66. The a bitrator shall, after hearing the parties concerned, makean award which shall be signed by him.

Dispute to be referred to Industrial Court if no arbitrator appointed.

67. Notwithstanding anything contained in this Chapter, if no provision has been made in any submission for the appointment of an arbitrator or where by reason of any circumstance no arbitrator is appoined, such dispute shall be referred to the arbitration of the Industrial Court by the Government.

Government may refer industrial dispute to Industrial Court for arbitration.

68. Notwithstanding anything hereinbefore contained the Government may, at any time, refer an industrial dispute to the arbitration of the Industrial Court, if, on a report made by the Commissioner of Labour or otherwise, it is satisfied that—

(1) by reason of the continuance of the dispute:—

(*a*) a serious outbreak of disorder or a breach of the public peace is likely to occur; or

(*b*) serious or prolonged hardship to a large section of the community is likely to be caused; or

(*c*) the industrial concern concerned is likely to be seriously affected or the prospects and scope for employment therein curtailed; or

(2) the dispute is not likely to be settled by other means; or

(3) it is necessary in the public interest to do so.

Publication of award.

69. (1) The arbitrator or Industrial Court, as the case may be, shall forward copies of the award made by him or it to the parties, the Commissioner of Labour, the Registrar and the Government.

(2) On receipt of such award, the Government shall, by order in writing, declare the award to be binding and shall publish it in such manner as may be prescribed.

Provided that where the Government isa party to the dispute and in its opinion it would be in expedient on public grounds to give effect to the whole or any part of the award, it may, by order in writing, reject the award or declare the award with such modifications as it thinks fit to be binding.

Date on which award shall come into operation

70. The award shall come into operation on the date specified in the award or where no such date is specified therein on the date on which it is declared by the Government to be binding.

Provided that where the Government is a party to the dispute, the award or award as modified under the proviso to sub-section (2) of section 69 shall come into operation on such date as may be specified by the Government.

Completion of arbitration proceeding.

71. The arbitration proceeding shall be deemed to have been completed when the award is published under sub-section (2) of section 69.

CHAPTER XI.

INDUSTRIAL COURT.

Duties of Industrial Court.

72. It shall be the duty of the Industrial Court—

(i) to decide appeals under section 21 from orders passed by the Registrar;

(ii) to decide appeals from the decision of the Commissioner of Labour under section 40 and review applications under section 42 regarding standing orders;

(iii) to decide all matters which may be referred to it by a Conciliator or a Board under section 57 or by an arbitrator under section 65;

(iv) to decide industrial disputes referred to it in accordance with submissions registered under section 62 which provide for such reference to the Industrial Court;

(v) to decide industrial disputes referred to it under section 67 or section 68;

(vi) to decide matters referred to it under section 74;

(vii) to decide questions relating to the interpretation of this Act or rules made thereunder and standing orders referred to it under section 75;

(viii) to decide reference made to it under section 84;

(ix) to decide such other matters as may be referred to it under this Act or the rules made thereunder.

Cancellation of registration of association.

73. If in any proceeding the Industrial Court finds that any association was registered by reason of a mistake, misrepresentation or fraud, or that a registered association has contravened any of the provisions of this Act, the Industrial Court may direct that the registration of such association shall be cancelled.

74. (1) A civil or criminal court may refer any matter or any issue in any suit, criminal prosecution or other legal proceeding before it relating to an industrial dispute to the Industrial Court for its decision. Any order passed by such court in such suit, prosecution or legal proceeding shall be in accordance with such decision.

Reference on point of law.

(2) The Government may refer to the Industrial Court any point of law arising in any proceedings held under this Act. The Industrial Court shall not decide any such reference save in open Court and with the concurrence of a majority of the members present at the hearing of the reference.

75. The Commissioner of Labour may refer any question relating to the interpretation of this Act or the the rules made under this Act or any standing order to the Industrial Court for its decision.

Reference regarding interpretation of Act and rules.

76. (1) The Industrial Court shall make regulations consistent with the provisions of this Act and the rules made thereunder regulating its procedure.

Procedure before Industrial Court.

(2) Every regulation made under sub-section (1) shall be published in the Official Gazette.

(3) The Industrial Court shall have power to direct by whom the whole or any part of the costs of any proceeding before it shall be paid:

Provided that no such costs shall be directed to be paid for the services of any legal adviser engaged by any party.

77. An order made by the Industrial Court regarding the costs of a proceeding may be produced before the Court of the District Judge within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, and such Court shall execute such order in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

Execution of order as to costs.

78. An order, decision or award of the Industrial Court shall, save as otherwise provided by any provision of this Act, be binding on –

Parties on whom order of Industrial Court binding.

(*a*) all parties to the industrial dispute who appeared or were represented before it;

(*b*) all parties who were summoned to appear as parties to the dispute whether they appeared or not, unless

the Industrial Court is of opinion that they were improperly made parties;

(c) in the case of an employer who is a party to the proceeding before such Court in respect of the industrial concern to which the dispute relates, his successors, heirs or assigns in respect of the concern to which the dispute relates; and

(d) in the case of a registered association which is a party to the proceeding before such Court, all persons represented by the association to the date of the award, as well as thereafter.

Order of industrial Court not liable to appeal or review.

79. No order, decision or award of the Industrial Court shall be called in question in any civil or criminal court.

Officer to appear in proceeding before Industrial Court.

80. The Government may direct any officer to appear in any proceeding before the Industrial Court by giving notice to such Court and on such notice being given such officer shall be entitled to appear in such proceeding.

CHAPTER XII.

STRIKES AND LOCK-OUTS.

Prohibition of strikes and lock-outs in public utility services.

81. (1) No person employed in a public utility service shall go on strike in breach of contract—

(a) without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking; or

(b) within fourteen days of giving such notice; or

(c) before the expiry of the date of strike specified in any such notice as aforesaid; or

(d) during the pendency of any conciliation proceedings before a conciliator or a board and seven days after the conclusion of such proceedings.

(2) No employer carrying on any public utility service shall lock-out any of his employees—

(a) without giving them notice of lock-out as hereinafter provided, within six weeks before locking out; or

(b) within fourteen days of giving such notice; or

(c) before the expiry of the date of lock-out specified in any such notice as aforesaid; or

(*d*) during the pendency of any conciliation proceedings before a Conciliator or a Board and seven days after the conclusion of such proceedings.

(3) The notice of lock-out or strike under this section shall not be necessary where there is already in existence a strike or, as the case may be, a lock-out in the public utility service, but the employer shall send intimation of such lock-out or strike on the day on which it is declared, to such authority as may be specified by the Government either generally or for a particular area or for a particular class of public utility services.

(4) The notice of strike referred to in sub-section (1) shall be given by such number of persons to such person or persons and in such manner as may be prescribed.

(5) The notice of lock-out referred to in sub-section (2) shall be given in such manner as may be prescribed.

(6) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any persons employed by him any such notices as are referred to in sub-section (2), he shall within five days thereof report to the Government or to such authority as the Government may prescribe the number of such notices received or given on that day.

Illegal strikes.

82. (1) A strike shall be illegal—

(i) If it is not in connection with or in consequence of an industrial dispute;

(ii) if it is commenced or declared in contravention of section 81;

(iii) in any event if it is commenced or continued—

(*a*) without giving notice in accordance with the provisions of section 44;

(*b*) only for the reason that the employer has not carried out the provisions of any standing order or has made an illegal change;

(*c*) in case where notice of the change is given in accordance with the provisions of section 44 and where no agreement in regard to such change is arrived at, before the statement of the case referred to in section 49 is received by the Conciliator for the industry concerned for the local area;

(*d*) in case where conciliation proceedings in regard to the industrial dispute to which the strike

relates have commenced, before the completion of such proceedings;

(*e*) in case where a submission relating to such dispute or such type of disputes is registered under section 62, before such submission is lawfully revoked;

(*f*) in case where an industrial dispute has been referred to the Industrial Court, before the date on which the award of the Industrial Court comes into operation,

(*g*) in contravention of the terms of a registered agreement, or a settlement or award.

(2) In case where a conciliation proceeding in regard to any industrial dispute has been completed, a strike relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months after the completion of such proceeding.

(3) Notwithstanding anything contained in sub-sections (1) and (2), if fourteen clear days' notice of a strike not falling under clause (*d*), (*e*) or (*f*) of sub-section (1) was given to the employer and the strike was not commenced before the expiry of the period of notice, striking employees who resume work within forty-eight hours of the Industrial Court declaring such strike to be illegal shall incur no penalty in this Act in respect of such strike:

Provided that nothing in sub-section (3) shall apply to any strike which has within the period of notice been declared under section 84 to be illegal.

Illegal lock-outs.

83. (1) A lock-out shall be illegal—

(i) If it is not in connection with or in consequence of an industrial dispute; and

(ii) if it is commenced or declared in contravention of section 81;

(iii) in any event if it is commenced or continued—

(*a*) in case where it relates to any industrial matter regulated by any standing order for the time being in force;

(*b*) without giving notice in accordance with the provisions of section 44;

(*c*) in case where notice of the change is given in accordance with the provisions of section 44 and where no agreement in regard to such

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change is arrived at, before the statement of the case referred to in section 49 is received by the Conciliator for the industry concerned for the local area;

(*d*) in case where conciliation proceedings in respect of an industrial dispute to which a lock-out relates have commenced, before the completion of such proceedings;

(*e*) in case where a submission relating to such dispute or such type of disputes is registered under section 62 before such submission is lawfully revoked;

(*f*) in case where an industrial dispute has been referred to the Industrial Court before the date on which the award of the Industrial Court comes into operation;

(*g*) in contravention of the terms of a registered agreement, or a settlement or award.

(2) In case where a conciliation proceeding in regard to any industrial dispute has been completed, a lock-out relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months from the completion of such proceeding.

(3) Notwithstanding anything contained in sub-sections (1) and (2), if fourteen clear days' notice of a lock-out not falling under clause (*d*), (*e*) or (*g*), of sub-section (1) was given to the employees, and the lock-out was not commenced before the expiry of the period of notice and the employer discontinues the lock-out within forty-eight hours of the Industrial Court declaring such lock-out to be illegal, the employer shall incur no penalty under this Act in respect of such lock-out:

Provided that nothing in this sub-section shall apply to any lock-out which has within the period of notice been declared under section 84 to be illegal.

Reference to Industrial Court for declaration whether strike or lock-out is illegal.

84. (1) The Government may make a reference to the Industrial Court for a declaration whether any proposed strike or lock-out of which a notice has been given would or would not be legal.

(2) No declaration shall be made under this section save in open Court with the concurrence of a majority of the members present at the hearing of the case.

CHAPTER XIII

Courts of Enquiry.

Constitution, duties and powers of court of enquiry.

85. (1) The Government may, as occasion arises, by notification in the Official Gazette, constitute one or more Courts of Enquiry consisting of such number of persons as the Government may think fit.

(2) A Court of Enquiry shall enquire into such matters pertaining to the conditions of labour or the relations of employers and employees in any industry, and such other matters as may be referred to it by the Government.

(3) Notwithstanding anything contained in sub-section (1), the Government may refer any aspect of any industrial dispute to a Court of Enquiry for findings.

CHAPTER XIV.

Control over Industries.

Power to control an industry.

86. If in the opinion of the Government, it is necessary or expedient so to do for securing the public safety or convenience, or the maintenance of public order or supplies essential to the life of the community, or for maintaining employment, it may, by general or special order,—

(*a*) require any employer not to close or keep closed, but to work or to continue to work any industrial concern on such conditions as may be specified in the order;

(*b*) authorise any person (hereinafter called the Authorised Controller) to exercise, with respect to any industrial concern or part thereof, such functions of control as may be specified in the order; and on the making of such order the concern or part thereof, as the case may be, shall be carried on in accordance with any directions given by the Authorised Controller in accordance with the provisions of the order; and every person having any functions of management of such concern or part thereof shall comply with such directions.

Power to deduct expenses control.

87. Where an order is made under clause (*b*) of section 86—

(*a*) the pay and allowances, if any, of the Authorised Controller and of his establishment and such amount

as may be certified by him as having been incurred in the exercise of his functions or the discharge of his duties shall, notwithstanding anything contained in any other law for the time being in force, be a first charge on the assets of the industrial concern.

(*b*) The profits, if any, arising from the working of the concern shall, after deducting such pay and allowances, if any, of the Authorised Controller and of his establishment and such amount as may be certified by him to have been incurred by him in the exercise of his functions or in the discharge of his duties, be paid to such person and in such manner and subject to such conditions as the Government may direct.

Penalty.

88. Any person contravening any order made under this chapter or any direction given by the Authorised Controller under clause (*b*) of section 86 shall be punishable with imprisonment which may extend to three years, or with fine which may extend to ten thousand rupees, or with both.

Offence to be deemed cognisable.

89. Notwithstanding anything contained in the second schedule to the Code of Criminal Procedure, 1904, any police officer may arrest without a warrant any person who is reasonably suspected of having committed, or of committing or of being about to commit, a contravention of any order made under this Chapter or any direction given by the Authorised Controller under clause (*b*) of section 86.

Offence by a corporation.

90. If the person contravening an order made under this Chapter or any direction given by the Authorised Controller under clause (*b*) of section 86 is a company or other body corporate, every director, manager, secretary, or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Order or direction not to be called in question.

91. No order made under this Chapter or any direction given by the Authorised Controller be called in question in any proceedings in any civil or criminal court

Revocation of order.

92. Any order made under this Chapter may, at any time, be varied, revoked or rescinded by the Government.

CHAPTER XV.

PENALTIES.

Employer not to dismiss, reduce or punish an employee.

93. (1) No employer shall, except as provided in the standing orders, dismiss, discharge or reduce any employee or punish him in any other manner by reason of the circumstance that the employee—

(*a*) is an officer or member of a registered association or an association which has applied for being registered under this Act, or

(*b*) is entitled to the benefit of a registered agreement or a settlement, submission or award; or

(*c*) has appeared or intends to appear as a witness in, or has given any evidence or intends to give evidence in, a proceeding under this Act; or

(*d*) has gone on or joined a strike which has not been held by the Industrial Court to be illegal under the provisions of this Act.

(2) No employer shall prevent any employee from returning to work after a strike which has not been held by the Industrial Court to be illegal.

(3) Whoever contravenes the provisions of sub-section (1) or (2) shall, on conviction, be punishable with fine which may extend to one thousand rupees.

(4) The Court trying an offence under this section may direct that out of the fine recovered, such amount as it deems fit, shall be paid to the employee concerned as compensation.

(5) Where the offence is one of wrongful dismissal, the Court shall direct that the employer shall pay the dismissed employee wages for the period he is kept out of employment, up to the date of the final decision in the case, based on his average wages for the twelve months preceding the date of dismissal.

(6) In any prosecution under this section the burden of proving that an employer dismissed, discharged, reduced or punished any employee in the manner provided in the standing orders shall lie on the employer.

Penalty for declaring illegal lock-out.

94. Any employer who has commenced a lock-out which the Industrial Court holds to be illegal shall, on conviction, be punishable with fine which may extend to two thousand rupees and, in the case of the lock-out being continued after such conviction, with an additional fine

which may extend to two hundred rupees for every day during which such lock-out continues after such conviction.

95. Any employee who has gone on strike or who joins a strike which the Industrial Court has held to be illegal, shall, on conviction, be punishable with fine, which may extend to ten rupees and, in the case of a continuing offence, with an additional fine which may extend to one rupee per day for every day during which the offence continues subject to a maximum of fifty rupees.

Penalty for going on illegal strike.

96. Notwithstanding anything contained in sections 94 and 95, the Industrial Court may declare a lock-out or a strike legal or illegal even though the lock-out or strike has ended.

Power of Industrial Court to declare strik or lock-out to be legal or illegal.

97. Any person who instigates or incites others to take part in, or otherwise, acts in furtherance of a lock-out for which an employer is punishable under section 92 or a strike for which any employee is punishable under section 95 shall, on conviction, be punishable with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Penalty for instigating, etc., illegal strikes and lock-out.

Explanation I.—For the purpose of this section, a person who contributed, collects or solicits funds for the purpose of any such strike or lock-out shall be deemed to act in furtherance thereof.

Explanation II.—A person shall be deemed to have committed an offence under this section if before an illegal strike or lock-out has commenced, he has instigated or incited others to take part in, or otherwise acted in furtherance of, such strike or lock-out.

98. If a Conciliator, a member of a Board or a Labour Officer or any person present at, or concerned in, any conciliation proceeding wilfully discloses any information or the contents of any document in contravention of the provisions of this Act, he shall, on conviction, on a complaint made by the party who gave the information or produced the document in such proceeding, be punishable, with fine which may extend to one thousand rupees.

Penalty for disclosing confidential information.

99. Any employer who makes any change which the Industrial Court holds to be illegal or fails to carry out the terms of any registered agreement or any settlement or award, or of any decision or order of the Industrial Court resu*t*ing in an alteration in an industrial matter shall, on conviction, be punishable with fine which may extend to five thousand rupees, and in the case of a continuing offence with an additional fine which may

Penalty for illegal change.

extend to two hundred rupees per day for every day during which the offence continues.

Penalty for contravention in standing order.

100. Any employer who acts in contravention of a standing order settled under Chapter VI shall, on conviction, be punishable with fine which may extend to one hundred rupees, and in the case of a continuing contravention of such standing order, with an additional fine which may extend to twenty-five rupees per day for every day during which such contravention continues.

Penalty for obstructing person from carrying out duties.

101. Any person who wilfully refuses entry to the Commissioner of Labour or a Labour Officer or any other competent officer to any place which he is entitled to enter, or fails to produce any document which he is required to produce, or fails to comply with any requisition or order issued to him by or under the provisions of this Act or the rules made thereunder shall, on conviction, be punishable with fine which may extend to five hundred rupees.

Penalties for offences not provided for elsewhere.

102. Whoever contravenes any of the provisions of this Act or any rule made thereunder shall, on conviction, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one hundred rupees and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder with fine which may extend to two hundred rupees.

Recovery of fines.

103. The amount of any fine imposed by any Court under this Act shall be recoverable as arrears of land revenue.

CHAPTER XVI.

Record of Industrial Conditions.

Record of conditions of work, etc.

104. The Government may in respect of any industry—

(*a*) maintain in the prescribed manner a record of industrial matters covered by the schedules;

(*b*) require any employer or employers generally to maintain and submit copies of a record in such form as may be prescribed of—

(i) data relating to plant, premises and manufacture,

(ii) other industrial transactions and dealings which in the opinion of the Government are likely to affect the matters specified in clause (*a*).

105. (1) For the purpose of verifying the accuracy of any records maintained by an employer under the provisions of section 104 an officer authorised by the Government may, subject to the prescribed conditions, hold an inquiry and may require any person to, and such person thereupon shall, produce any relevant record or document in his possession and may, after reasonable notice, at any reasonable time, enter any premises wherein he believes such record or document to be, and may ask any question necessary for verifying such records: Inquiry for collection of information.

Provided that where such premises are not the usual business premises of a person, such officer shall not without the previous permission of the Government enter them under this sub-section.

(2) Any proceeding held by him for the purpose of obtaining information for such record shall be deemed to be a judicial proceeding within the meaning of section 192 of the Indian Penal Code.

CHAPTER XVII.

MISCELLANEOUS.

106. The Government may, by notification in the Official Gazette and subject to the condition of previous publication at any time, make any additions to or alterations in the industrial matters specified in Schedule I or II or may delete therefrom any such matter: Modifications in Schedules.

Provided that before making any such addition, alteration or deletion, a draft of such addition, alteration or deletion shall be published for the information of all persons likely to be affected thereby, and the Government shall consider any objection or suggestion that may be received by it from any person with respect thereto.

107. A registered agreement, or a settlement, submission or award shall be binding upon all persons who are parties thereto: Agreement, etc., on whom binding.

Provided that—

(a) in the case of an employer, who is a party to such agreement, settlement, submission or award, his successors, heirs or assigns in respect of the industrial concern as regards which the agreement, settlement, submission or award is made, and

(b) in the case of a registered association which is a party to such agreement, settlement, submission or award, all persons who were members of such association at the date of such agreement, settlement, submission or award or who become members of the association thereafter,

shall be bound by such agreement, settlement, submission or award.

Order or decision of the Industrial Court on whom binding.

108. An order or decision of the Industrial Court against an employer shall bind his successors in interest, heirs and assigns in respect of the industrial concern as regards which it is made or given, and an order or decision against a registered association shall bind all persons who were members of the association at the date of the order or decision or who become members of the association thereafter.

Agreement, etc., when to cease to have effect.

109. (1) A registered agreement, or a settlement or award shall cease to have effect on the date specified therein, or, if no such date is specified therein, on the expiry of the period of two months from the date on which notice in writing to terminate such agreement, settlement or award, as the case may be, is given in the prescribed manner by any of the parties thereto to the other party.

(2) Nothing in this section shall prevent the terms of a registered agreement or a settlement being changed or modified by mutual consent of the parties affected thereby.

(3) Notwithstanding anything contained in sub-section (1) or (2), if a registered agreement, or a settlement or award provides that it shall remain in force for a period exceeding one year, it may, after the expiry of one year from the date of its commencement, be terminated by either party thereto giving two months' notice in the prescribed manner to the other party.

(4) The party giving notice under sub-section (1) or (3) shall send a copy of it to the Commissione of Labour, Registrar and the Labour Officer of the local area concerned.

(5) If a registered agreement, or a settlement or award is terminated under sub-section (1) or (3) or if the terms of a registered agreement or a settlement are changed or modified by mutual consent, notice of such termination, change or modification shall be given by the parties concerned to the Commissioner of Labour, Registrar and the Labour Officer.

The Registrar shall enter the notice of such termination, change or modification in a register kept for the purpose.

Explanation.—For the purposes of this section, parties who shall be competent to terminate a registered agreement or a settlement or award, or to change or to modify the terms of a registered agreement, or a settlement and who shall give notice of such termination, change or modification under sub-section (5) shall be the employer who has signed the agreement or settlement or who is a party to the award or the heirs, successors or assigns of such employer in respect of the industrial concern concerned and the association affected by the agreement, settlement or award.

Offence by companies, etc.

110. Where a person committing an offence under this Act is a company, or other body corporate, or an association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Information furnished by party to be treated as confidential.

111. (1) If a party to an industrial dispute giving any information or producing any document in any proceeding under this Act, makes a request in writing to the Conciliator, the Board, the Court, or the Industrial Court, as the case may be, that such information or the contents of such document may be treated as confidential, the Conciliator, the Board, the Court or the Industrial Court, as the case may be, shall direct that such information or document be treated as confidential.

(2) The Conciliator or any member of the Board, the Court or the Industrial Court or any person present at, or concerned in, any proceeding under this Act shall not disclose any information or the contents of any document in respect of which a request has been made under sub-section (1) without the consent in writing of the party making the request under the said sub-section.

(3) Nothing in this section shall apply to disclosure of any information or the contents of any document for the purpose of a prosecution under this Act or under any other law for the time being in force.

Repeal of Act XIII of 1942.

112. The Mysore Labour Act, 1942, is hereby repealed.

Protection of persons acting in good faith.

113. No suit, or other proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Jurisdiction of courts.

114. No criminal court inferior to that of a Magistrate of the First Class shall try offences under this Act.

Rules.

115. (1) The Government may, subject to the conditions of previous publication, make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely,—

(a) the powers and procedure of Conciliators, the Board, the Court of Inquiry and the Industrial Court including rules as to the summoning of witness, the production of documents relevant to the subject-matter of the dispute, the number of members necessary to form a quorum and the manner of submission of reports and awards;

(b) the allowances admissible to members of the Board, the Court of Inquiry and the Industrial Court and to assessors and witnesses;

(c) the authority to be prescribed under sub-clause (c) of clause (10) of section 3;

(d) the registers to be maintained by the Registrar under sub-rule (2) of section 5;

(e) the qualifications of members of the executive and other officers of a registered association;

(f) the fee to be paid and the form of certificate of registration to be issued under section 17;

(g) the fee to be paid under sub-section (1) of section 19 for re-registration;

(h) the manner in which standing orders may be submitted under section 39;

(i) the form in which notice of change is to be given and the persons to whom copies of such notices are to be sent under section 44;

(j) the manner of forwarding the memorandum of agreement under sub-section (1) of section 45;

(k) the form in which the statement shall be forwarded under sub-section (1) of section 49;

(l) the manner of holding conciliation proceedings under sub-section (1) of section 52;

(*m*) the form in which the memorandum of statement shall be drawn up and the manner of its publication under section 54;

(*n*) The manner of giving notice under sub-section, (2) of section 55;

(*o*) the manner of publication of submission under sub-section (3) of section 62;

(*p*) the manner in which the record shall be maintained under section 104;

(*q*) the conditions to be prescribed under sub-section (1) of section 105;

(*r*) the manner of giving notice under section 109;

(*s*) any other matter which has to be or may be prescribed.

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1. Classification of employees, *e.g.*, permanent, temporary, apprentices, probationers, etc.
2. Manner of notification to employees of periods and hours of work, holidays, pay days and wage rates.
3. Notice to be given to employees of starting, alteration or discontinuance of two or more shifts in a department or departments.
4. Closure or re-opening of a department or a section of a department or the whole of the industrial concern.
5. Attendance and late coming.
6. Leave, conditions, procedure and authority to grant.
7. Holidays, procedure and authority to grant.
8. Liability to search and entry into premises by certain gates.
9. Temporary stoppages of work, including playing off, and rights and liabilities of employers and employees arising therefrom.
10. Termination of employment notice to be given by employer and employee.
11. Punishment for misconduct and the acts or omissions which constitute misconduct.
12. Means of redress of employees against unfair treatment or wrongful exaction on the part of the employer or his agent or servant.
13. Shift working.
14. Rules of discipline.

SCHEDULE II.

1. Reduction intended to be of permanent or semi-permanent character in the number of persons employed or to be employed in any occupation or process or department or departments or in a shift not due to *force maieure*.
2. Permanent or semi-permanent increase in the number of persons employed or to be employed in any occupation or process or department or departments.

3. Dismissal of any employee except as provided for in the standing orders applicable under this Act.

4. Rationalisation or efficiency or other new systems of work.

5. Starting, alteration or discontinuance of shift working otherwise than in accordance with the standing orders applicable under this Act.

6. Withdrawal of any customary concession or privilege or change in usage.

7. Introduction of new rules of discipline or alteration of existing rules and their interpretation, except in so far as they are provided for in the standing orders applicable under this Act.

8. Wages including the period and mode of payment.

9. Hours of work and rest intervals.

SCHEDULE III.

Industries which may be declared to be public utility services under sub-clause (vi) of clause (20) of section 3.

1. Transport (other than railways) for the carriage of passengers or goods by land, water or air.

2. Cotton textiles.

3. Foodstuffs.

4. Iron and steel.

Statement of objects and Reasons.

With a view to provide for the organisation of industrial employees into associations to secure their welfare, and the settlement of industrial disputes, the Mysore Labour Act was enacted in the year 1942. A Committee was appointed in December 1944 consisting of representatives of Government, employers and employees to review the labour laws in force and to suggest suitable changes. The Committee submitted its report in 1946 in which *inter alia* certain amendments to the Mysore Labour Act, 1942, were also suggested. Since the Committee made its report, the Labour laws in force in the Provinces have been revised.

It is considered necessary that the rights and liabilities of labourers in Mysore should, as far as possible, be similar to those of the employees in the Provinces. A consolidated Mysore Labour Bill has accordingly been brought forward.

The Bill makes provision for the recognition of labour associations in any industrial concern and confers on them certain rights and privileges. The provision made in the Act of 1942 for the settlement of industrial disputes was found to be inadequate. Provision is made in the Bill for the settlement of such disputes by conciliation by conciliators or special conciliators or by a board of conciliation and by arbitration. Power is also taken to establish an Industrial Court for the settlement or the adjudication of industrial disputes. Provision has also been made for enabling Government to assume control of any industrial concern in certain circumstances if it is found necessary to do so, for securing public safety or convenience or the maintenance of public order or supplies essential to the life of the community or for maintaining employment.

NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, the 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Bangalore Municipal Corporation Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE BANGALORE MUNICIPAL CORPORATION BILL.

ARRANGEMENT OF CLAUSES.

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CHAPTER II.

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THE BANGALORE MUNICIPAL CORPORATION BILL.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the City and the Civil Station, of Bangalore; Preamble.

IT IS hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Bangalore Municipal Corporation Act, 194-. Title and extent.

(2) Except as herinafter expressly provided it extends only to the City of Bangalore and the Civil Station of Bangalore.

2. The enactments mentioned in Schedule I are repealed to the extent specified in the fourth column thereof. Repeal of enactments.

3. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "appoint" includes to appoint temporarily or in an officiating capacity;

(2) "appointment" includes temporary and officiating appointment;

(3) "budget grant" means any sum entered on the expenditure side of a budget estimate which has been adopted by the corporation;

(4) "building" includes a house, out-house, stable, latrine, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(5) "building-line" means a line which is in rear of the street-alignment and to which the main wall of a building abutting on a street may lawfully extend and beyond which no portion of the building may extend except as prescribed in the building rules;

(6) "carriage" means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle, rickshaw and palanquin, but does not include any motor vehicle within the meaning of the Mysore Motor Vehicles and Road Traffic Act, 1944;

(7) "cart" includes any wheeled vehicle which is not a carriage but does not include any motor vehicle within the meaning of the Mysore Motor Vehicles and Road Traffic Act, 1944;

(8) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a councillor or an alderman or in any other elective office, and "casual election" means an election held on the occurrence of a casual vacancy;

(9) "keri" or "hutting ground" means an area containing land occupied by, or for the purpose of, any collection of huts, standing on a plot of land, or two or more plots of land which are adjacent to one another, and not less than two thousand four hundred square feet in area;

(10) "city of Bangalore" or "City" means the area declared by Government by notification to be the city of Bangalore;

(11) "company" means a company as defined in the Mysore Companies Act, 1938, or formed in pursuance of an Act of the legislature of a British Possession or of an Act of the Indian Dominion Legislature and includes any co-operative society registered under any law for the time being in force in Mysore;

(12) "cream" means that portion of milk, rich in milk-fat which has risen to the surface of milk on standing and has beenremoved or which has been separated from milk by centrifugal force;

(13) "dairy" includes any farm, milk store, milk shop, or other place from which milk is supplied only on, or for, sale or in which milk is kept for the purposes of sale, or manufactured into butter, ghee, cheese, curd or dried or condensed milk, for sale, and in the case of a dairyman who does not occupy any place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk, but does not include—

(*a*) a shop from which milk is not supplied otherwise than in properly closed and unopened receptacles in which it was delivered to the shop, or

(*b*) a shop or other place in which milk is sold for conumption on the premises only;

(14) "dairyman" includes any occupier of a dairy, any cow-keeper who trades in milk, or any seller of milk whether wholesale, or by retail;

(15) "dairy produce" includes milk, butter, butter-ghee, curd, butter-milk, cream, cheese, and any and every product of milk;

(16) "dangerous disease" means—

(*a*) anthrax, chicken-pox, cholera, diphtheria, enteric fever, leprosy, measles, plague, pulmonary tuberculosis, rabies, small-pox, and

(b) any other disease notified under section 374;

(17) "depressed classes" means the castes, communities, races or tribes known as the Adikarnatakas, Adidravidas, Lambanis (Banajars), Voddas, Korachas, Koramas, Hill tribes and Animists;

(18) "filth" includes sewage, night-soil, dung, dirt, putrid and putrefying substances and all offensive matter;

(19) "food" includes every article (other than drugs and water) used by man for food or drink and all materials used or admixed in the composition or preparation of such article and shall also include flavouring or colouring matter, confectionery, spices and condiments;

(20) "hut" means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the corporation may declare to be a hut for the purpose of this Act;

(21) "latrine" means a place set apart for defecating or urinating or both and includes a closet of the dry or water carriage type and urinal;

(22) "milk" means the normal clean secretion drawn from the udder of a healthy cow, buffalo, sheep or goat either completely or after the first portion of such secretion has been drawn off to completion and includes cream, skimmed milk, separated m ilk,and condensed and dessicated milk;

(23) "municipal office" means the principal office of the corporation;

(24) "nuisance" includes any act, omission, place or thing, which causes or is likely to cause injury, danger, annoyance, disturbance, or offence to the sense of sight, smell or hearing or to rest or sleep or which is or may be dangerous to life or injurious to health or property;

(25) "occupier" includes any person for the time being paying or liable to pay to the owner, the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant;

(26) "ordinary vacancy" means a vacancy occurring by the efflux of time and "ordinary election" means an election held on the occurrence of an ordinary vacancy;

(27) "owner" includes (a) the person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose the rent or profits of the property in connection with which the word is used, (b) the person for the time being in charge of the animal or vehicle in connection with which the word is used;

(28) "prescribed" means prescribed by the Government by rules under this Act;

(29) "private street" means any street, road, square, court, alley, passage or riding-path, which is not a "public street" but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises ;

(30) "public street" means any street, road, square, court, alley, passage or riding-path over which the public have a right of way whether a thoroughfare or not and includes—

(*a*) the roadway over any public bridge or causeway,

(*b*) the foot-way attached to any such street, public bridge or causeway, and

(*c*) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lines on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to Government;

(31) "public water course, springs, wells and tanks" include those used by the public to such an extent as to give a prescriptive right to such use ;

(32) "railway" includes a tramway ;

(33) "reconstruction of a building" includes—

(*a*) the re-erection wholly or partially of a building after more than one-half of its cubical content has been taken down or burnt down or has fallen down, whether at one time or not ;

(*b*) the re-erection, wholly or partially, of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground adjoining the lowest storey of the building, and of any building frame, which has so far been taken down or burnt down or has fallen down as to leave only the frame-work of the lowest storey ;

(*c*) the conversion into a dwelling house, or a place of public worship of any building not originally constructed for human habitation or for public worship, as the case may be, or the conversion into more than one dwelling-house only or the conversion of a dwelling-house into a factory ;

(*d*) the re-conversion into a dwelling-house or a place of public worship or a factory of any building which has been discontinued as, or appropriated for any purpose other than, a dwelling-house or a place of public worship or a factory, as the case may be;

(34) "registered labour association" means an association registered under the Mysore Labour Act, 1942, for the time being in force ;

(35) A person is deemed to have his "residence" or to "reside" in any house or hut if he sometimes uses any portion

thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house or hut merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house or hut at any time and has not abandoned his intention of returning;

(36) "rubbish" means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not "filth";

(37) "salary" means pay and acting pay, or payment by way of commission, and includes exchange compensation allowances, but not allowances for house-rent, carriage hire, or travelling expenses;

(38) "scavenger" means a person employed in collecting or removing filth, in cleaning drains, latrines or slaughter-houses or in driving carts used for the removal of filth;

(39) "street-alignment" means a line dividing the land comprised in and forming a part of a street from the adjoining land;

(40) "water-course" includes any river, stream or channel whether natural or artificial;

(41) "year" means the financial year.

PART II.

Constitution and Government of the Corporation.

CHAPTER II.

THE MUNICIPAL AUTHORITIES.

Composition of the Corporation.

4. The municipal authorities charged with carrying out the provisions of this Act are— Enumeration of authorities.

(*a*) a corporation;

(*b*) standing committees of the corporation;

(*c*) a commissioner.

5. (1) The corporation shall consist of— Constitution of corporation.

(*a*) sixty divisional councillors, of whom fifty shall be persons elected to general seats, five to seats specially reserved for depressed classes and five to seats specially reserved for women:

Provided that nothing in this clause shall be deemed to prevent members of the depressed classes or women from standing for election to the non-reserved seats ;

(*b*) four councillors to seats specially reserved for labour ;

(*c*) two councillors to seats specially reserved for Trade and Commerce elected by such bodies and in such manner as may be notified by the Government in the official Gazette.

(*d*) five aldermen, of whom one shall be a woman elected by the councillors referred to in clauses (*a*) to (*c*) in the manner specified in section 64.

(2) The Government may, by notification, increase or reduce the number of councillors to be elected to seats specially reserved under clause (*a*) or clause (*b*) of sub-section (1) and thereupon the number of councillors specified in those

clauses shall be deemed to havebeen increased or reduced accordingly.

(3) In addition to the councillors referred to in clauses (*a*) and (*b*) of sub-section (1), the Government may appoint a person or persons having special knowledge or experience of any subject relating to the municipal administration to be special councillor or councillors for such subject. Every special councillor shall exercise the rights of a councillor only in respect of the subject for which he is appointed, but he may attend any meeting of the corporation and take part in the discussion of any other subject without the right of voting. There shall not be more than three special councillors on the corporation at any time.

(4) (1) The corporation shall by name of the "Corporation of Bangalore" be a body corporate, and have perpetual succession and a common seal and may by such name sue and be sued.

Constitution of standing committees.

6. (1) There shall be five standing committees for dealing respectively with—

(*i*) Accounts,

(*ii*) Health,

(*iii*) Taxation and Finance, excluding Taxation Appeals

(*iv*) Town-Planning and Improvements, and

(*v*) Works.

(2) The corporation may, with the previous sanction of the Government, constitute additional standing committees for such purposes as the corporation thinks fit.

THE SEVERAL AUTHORITIES.

The Commissioner.

Definition of commissioner

7. The commissioner shall be appointed by the Government and shall not be a member of the corporation.

Term of office of commissioner.

8. (1) The commissioner shall hold office for a renewable period of three years.

(2) The Government may at any time remove the commissioner from office and shall do so, if at a special meeting of the corporation called for the purpose not less than forty members thereof vote for such removal.

9. Subject, whenever it is hereinafter expressly directed, to the sanction of the corporation or the standing committee, as the case may be, and subject to all other restrictions, limitations and conditions hereinafter imposed, the executive power for the purposes of carrying out the provisions of this Act shall be vested in the commissioner, who shall also perform all the duties and exercise all the powers specifically imposed or conferred on him. **Power of commissioner.**

10. The commissioner shall be responsible for the custody of all the records of the corporation including all papers and documents connected with the proceedings of the corporation, the standing committees and other committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose. **Custody of records.**

11. The commissioner may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of one of the other municipal authorities and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or of doing the act shall be paid from the municipal fund : **Extraordinary powers of commissioner.**

Provided that he shall report forthwith the action taken under this section and the reasons therefor to such other authority.

12. The commissioner shall be a whole-time officer of the corporation and shall not undertake any work unconnected with his office without the sanction of the Government and the corporation. **Duty of commissioner.**

13. The commissioner shall be paid out of the municipal fund such salary as may from time to time be fixed by the Government. **Salary of commissioner.**

14 (1) Leave may be granted to the commissioner by the Government. **Leave of commissioner.**

(2) Whenever such leave is granted, the Government shall appoint some person to officiate in his place.

15. (1) If the commissioner is an officer in the service of Government, the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government to be paid by him or on his behalf. **Service regulations of commissioner**

(2) If the commissioner is an officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the municipal fund shall be governed by regulations framed by the Government :-

Provided that—

(a) the amount of any such leave and leave allowances, gratuity or pension shall in no case without the special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status; and

(b) the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned, shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Delegation of commissioner's ordinary powers.

16. The commissioner may delegate to the holder of any municipal office, any of his ordinary powers, duties or functions except those conferred or imposed upon, or vested in him by the following provisions, namely, sections 25, 62, 63, 64, 67, 73, 74, 158, 172(2), 182(2) and (3), 183, 184, 187, 199, 223, 224, 262, 299, 305, 309, 316, 317, 318, 324, 325, 326, 332, 333, 339, 348, 350, 353, 364, 368, 369, 380, 433, 452, schedule III, rule 14, schedule IV, rules 13 and 14:

Provided that—

(a) such delegation shall be in writing and shall specify the name or official designation of the person to whom the delegation is made;

(b) the commissioner shall not delegate his power under section 90 to make appointments to offices carrying a salary of more than fifty rupees per mensem;

(c) the commissioner shall not delegate to the holder of any office his power under section 96 to fine, reduce, suspend, remove or dismiss any employee, or his power under section 97 to grant leave of absence to any employee, unless such employee was appointed by the holder of such office by virtue of a delegation of the commissioner's powers of appointment;

(d) the commissioner shall not delegate his power under section 80 to make on behalf of the corporation any contract involving an expenditure exceeding two thousand rupees;

(e) when the commissioner delegates under this section any power or duty which is exercisable or is required to be performed subject to the approval of any other municipal authority, the commissioner shall send a copy of the order of delegation to such authority.

Reservation of control in respect of powers delegated.

17. The exercise or discharge by a municipal officer of any powers, duties or functions delegated to him under section 16 shall be subject to such restrictions, limitations and conditions (if any) as may be laid down by the commissioner and shall be subject to his control and revision.

Delegation of commissioner's extraordinary powers.

18. The commissioner may on his responsibility and by an order in writing authorize the health officer, the engineer, the revenue officer, or any other officer who is the head of a department working under the commissioner, or any person in temporary charge of the duties of any of the officers aforesaid to exercise the extra-ordinary powers conferred on him by section 11.

The Standing Committees.

19. (1) Each standing committee shall consist of seven members elected by the corporation from its own number: provided that no councillor or alderman shall be a member of more than two standing committees at the same time. Election of standing committee.

(2) A councillor or alderman elected to be a member of a standing committee shall hold office as such, unless he sooner resigns the same, till his term of office as councillor or alderman is in any manner determined.

(3) When a vacancy occurs in a standing committee the corporation shall fill up the vacancy, as soon as may be, by the election of another councillor or alderman.

20. (1) The corporation shall by regulations framed for the purpose determine the powers and duties of each standing committee and may by regulations provide for a conference of two or more standing committees or for the appointment out of such committees of a joint committee for any purpose in respect of which they may be jointly interested. Functions of standing committees.

(2) The accounts standing committee in addition to the powers and duties assigned to it under such regulations:—

(*a*) shall supervise the utilization of the budget grants;

(*b*) shall have access to the accounts of the corporation, and may require the commissioner to furnish any explanation which it considers to be necessary as to the receipts and expenditure of the municipal fund;

(*c*) may conduct a monthly audit of the municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding month as furnished by the commissioner; and

(*d*) may write off the amount of any loss, or depreciation caused to municipal property which appears to the committee to be irrecoverable.

(3) The Taxation and Finance standing committee, shall, in addition to the duties and powers assigned to it under regulations referred to in sub-section (1), be also entitled to exercise the powers referred to in clause (*b*) of sub-section (2).

(4) The corporation shall sanction such staff as may reasonably be required by the Accounts and the Taxation and Finance Standing Committees.

21. Wherever in this Act the expression "the standing committee" occurs, it shall, unless the context otherwise requires, be deemed to refer to the particular standing committee to which the power or duty in connection with which the expression is assigned by this Act or by regulations made by the corporation; and all references to the standing committee in any other law shall be construed as references to the particular standing committee to which the power or duty conferred or Construction of reference to standing committee.

imposed by such law is assigned by regulations made by the corporation.

Delegation of powers to commissioner by standing committee.

22. (1) In any case in which it is provided by this Act or any other law for the time being in force that the commissioner may take action subject to the approval, sanction, consent or concurrence of a standing committee, the committee may, by resolution in writing, authorize him to take action in anticipation of its approval, sanction, consent or concurrence subject to such conditions (if any) as may be specified in such resolution.

(2) Whenever the commissioner, in pursuance of such resolution, takes any action in anticipation of the approval, sanction, consent or concurrence of a standing committee, he shall forthwith inform the committee of the action so taken.

The Corporation.

Functions of corporation.

23. (1) Subject to the provisions of this Act, the municipal government of the city shall vest in the corporation, but the corporation shall not be entitled to exercise functions expressly assigned by or under this Act or any other law for the time being in force to a standing committee or the commissioner.

(2) If any doubt arises as to the municipal authority to which any particular function pertains, the mayor shall refer the matter to the Government, whose decision shall be final.

(3) Without prejudice to the generality of sub-section (1), it shall be the duty of the corporation to consider all periodical statements of receipts and disbursements and all progress reports, and pass such resolutions thereon as it thinks fit.

Obligation on remaining municipal authorities to carry out resolutions of corporation.

24. The standing committees and the commissioner shall be bound to give effect to every resolution of the corporation unless such resolution is cancelled in whole or in part by the Government.

Rights and duties of individual councillors and aldermen.

25. (1) Any councillor or alderman may draw the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property, or to the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor or alderman shall have the right to interpellate the mayor on matters connected with the municipal administration subject to such regulations as may be framed by the corporation.

(3) Every councillor or alderman shall have access during office hours to the records of the corporation after giving due notice to the commissioner, provided that the commissioner may for reasons given in writing forbid such access. The councillor or alderman may appeal against such order to the Mayor whose decision shall be final.

26. Neither the mayor nor the deputy mayor, nor any councillor or alderman shall receive or be paid, from the funds at the disposal of or under the control of the corporation, any salary or other remuneration for services rendered by him in any capacity whatsoever.

Mayor, deputy mayor, councillor or alderman not to receive remuneration.

27. (1) The corporation or a standing committee may at any time require the commissioner—

Requisitions by corporation or a standing committee for commissioner's records.

(a) to produce any record, correspondence, plan or other document which is in his possession, or under his control as commissioner;

(b) to furnish any return, plan, estimate, statement, account or statistics connected with the municipal administration;

(c) to furnish a report by himself or to obtain from any head of department subordinate to him and furnish, with his own remarks thereon, a report upon any subject connected with the municipal administration.

(2) The commissioner shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interest of the corporation or of the public, in which case he shall make a declaration in writing to that effect and shall, if required by the corporation or the standing committee, as the case may be, refer the question to the Mayor whose decision shall be final.

28. The corporation may at any time call for an extract from the proceedings of a standing committee or of any committee or for any return, statement, account or report connected with any matter with which such committee is empowered to deal; and every such requisition shall be complied with by the standing committees, or other committee, as the case may be.

Corporation's power to call for records of committees.

29. (1) The corporation may, and if so required by the Government shall join with one, or more than one, other local authority in constituting a joint committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible.

Appointment of joint committees.

(2) A joint committee may include persons who are not members of the local authorities concerned but who may in their opinion possess special qualifications or special interest for serving on such committee:

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) The constitution of a joint committee shall be by means of regulations which shall not, except in the cases referred to in sub-sections (6) and (7) have effect unless assented to by each of the local authorities concerned.

(4) The regulations shall determine—

(a) the total number of members of the joint committee;

(*b*) the number who shall be members of the local authorities concerned and the number who may be outsiders;

(*c*) the persons who shall be members of the joint committee or the manner in which they shall be elected or appointed;

(*d*) the person who shall be chairman of the joint committee or the manner in which he shall be elected or appointed;

(*e*) the term of office of members and chairman;

(*f*) the powers, being powers exercisable by one or more of the local authorities concerned, which may be exercised by the joint committee; and

(*g*) the procedure of the joint committee.

(5) Regulations made under sub-sections (3) and (4) may be varied or revoked provided that all the local authorities concerned assent to such variation or revocation.

(6) If the Government take action under sub-section (1), they may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to in sub-sections (3) and (4).

(7) If any difference of opinion arises between local authorities under any of the foregoing provisions of this section, it shall be referred to the Government whose decision shall be final.

Provisions common to the Corporation and the Standing Committees.

Election of mayor, deputy Mayor and chairman.

30. (1) The corporation shall at its first meeting after the first day of January in each year elect—

(*a*) one of its number to be the mayor; and

(*b*) one of its number other than the mayor to be the deputy mayor.

(2) A deputy mayor on being elected Mayor shall cease to be the deputy mayor.

(3) Each standing committee shall at its first meeting after the election referred to in clause (*a*) of sub-section (1) elect one of its members other than the mayor to be its chairman.

Term of office of mayor, deputy Mayor and chairman.

31. The mayor, deputy mayor or chairman shall be entitled to hold office from the time of his election and until the election of his successor, provided that in the meantime he does not cease to be a councillor or an alderman.

On the occurrence of any vacancy in the office of mayor, deputy mayor or chairman, the corporation or standing committee, as the case may be, shall at its next meeting elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it, if the vacancy had not occurred.

32. An outgoing mayor, deputy mayor or chairman is eligible for re-election.

Re-eligibility of mayor, deputy mayor and chairman.

33. The corporation and the standing committees shall observe the procedure laid down in Schedule II and may make supplementary regulations, not inconsistent therewith or with other provisions of this Act or any rules made by the Government, for the conduct of their respective proceedings and also for the maintenance of order at their meetings.

Rules and regulations for proceedings of corporation and standing committees.

Explanation.—Any supplementary regulation made under this section shall, if it is inconsistent with the provisions of any rule made subsequently, become void to the extent of such inconsistency.

34. (1) Every meeting of the corporation shall be presided over by the mayor, in his absence by the deputy mayor, and in the absence of both the mayor and the deputy mayor, by a councillor or alderman chosen by the meeting to preside for the occasion.

Presidency of corporation and standing committees.

(2) Every meeting of a standing committee shall be presided over by its chairman and in his absence by a member thereof chosen by the meeting to preside for the occasion.

(3) The mayor, the deputy mayor or the chairman, as the case may be, shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the mayor, deputy mayor or the chairman thereon shall save as is otherwise expressly provided in this Act, be final.

(4) The deputy mayor, councillor, or alderman presiding at a meeting of the corporation and the member presiding at a meeting of a standing committee shall for that meeting and during the period that he presides over it, have all the powers and be subject to all the obligations of the mayor or chairman as the case may be.

35. (1) The commissioner shall have the right to attend the meetings of the corporation and of any standing committee and to take part in the discussion but shall not have the right to move any resolution or to vote.

Commissioner's right to attend and take part in discussion but not to move resolution or to vote.

(2) He shall attend any meeting of the corporation or of a standing committee if required to do so by the Mayor.

36. (1) No councillor or alderman shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the corporation or of any standing committee or any committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

Councillors and aldermen to abstain from taking part in discussion and voting on questions in which they are pecuniarily interested.

(2) The mayor or chairman may prohibit any councillor or alderman from voting on or partaking in the discussion of any matter in which the councillor or alderman is believed to

have such interest, or he may require the councillor or alderman to absent himself during the discussion.

(3) Such councillor or alderman may challenge the decision of the mayor or chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the mayor or chairman is alleged by any councillor or alderman present at the meeting to have any such interest in any matter under discussion, he may on the motion of such councillor or alderman if carried, be required to absent himself from the meeting during the discussion.

(5) The councillor or alderman concerned shall not be entitled to vote on the question referred to in sub-section (3) and the mayor or chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

Explanation.—In this section 'Mayor' includes a deputy mayor, councillor or an alderman presiding for the occasion and chairman includes a member presiding for the occasion at a meeting of a committee.

Resignations.

37. The mayor may resign his office by giving notice in writing to the corporation; the deputy mayor, and councillor or alderman other than the mayor and the chairman or any member of a standing committee may resign his office by giving notice in writing to the mayor. Such resignation shall take effect in the case of the mayor from the date on which it is placed before the corporation and in any other case from the date on which it is received by the mayor.

Savings of validity of proceedings.

38. (1) No act done, or proceeding taken under this Act shall be questioned merely on the ground—

(*a*) of any vacancy or defect in the constitution of the corporation or of any standing committee, or

(*b*) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

(2) Every meeting of the corporation or of a standing committee, the minutes of the proceedings of which have been signed as laid down in Schedule II, shall be deemed to have been duly convened and to be free from all defect and irregularity.

The Mayor.

Prerogative of the Mayor.

39. (1) The mayor shall have full access to all records of the corporation and may obtain reports from the commissioner on any matter connected with the administration of the corporation.

(2) No official correspondence between the corporation and the Government shall be conducted except through the Mayor.

(3) The mayor shall be bound to transmit communications addressed through him by the commissioner to the Government or by the Government to the commissioner. While transmitting communications from the commissioner to the Government, the mayor may make such remarks as he may think necessary.

Mayor to be member of all committees.

40. (1) The mayor shall *ex-officio* be a member of every standing committee and of every other committee constituted under this Act except the taxation appeals committee but shall not be eligible to be elected as the Chairman of any standing committee.

(2) If the mayor wa at the time of his elections the chairman or an elected member of a standing committee, he shall cease to hold office as such chairman or member.

(3) If a vacancy occurs in the office of the Chairman of any standing committee, the mayor shall convene a meeting of that committee for the election of another Chairman.

The Deputy Mayor.

Functions of deputy mayor.

41. (1) When the office of mayor is vacant, his functions shall devolve on the deputy mayor until a new Mayor is elected.

(2) If the Mayor has been continuously absent from the city for more than fifteen days or is incapacitated, his functions shall devolve on the deputy mayor until the mayor returns to the city or recovers from his incapacity, as the case may be.

(3) The mayor may, by an order in writing, delegate any of his functions to the deputy mayor.

Administration Report.

Submission of administration report to Government.

42. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the government, the corporation shall submit to the Government, a detailed report of the administration during the preceding year in such form as the Government may direct.

(2) The commissioner shall prepare such report and the corporation shall consider the report and forward the same to to the Government with their resolutions thereon, if any.

(3) Copies of the administration report shall be kept for sale at the municipal office.

Powers of the Government.

Government's power to call for records.

43. The Government may at any time require the corporation or the commissioner—

(*a*) to produce any record, correspondence, plan, or other document;

(*b*) to furnish any return, plan estimate, statement, account or statistics;

(c) to furnish or obtain any report.

Government's power to cause inspection to be made.

44. The Government may depute any officer to inspect or examine any municipal department, office, service, work or thing and to report thereon and any officer so deputed may, for the purposes of such inspection or examination, exercise all the powers conferred by section 43.

Government's power to direct the taking of action.

45. If, on receipt of any information or report obtained under sections 43 or 44, the Government are of opinion.—

(a) that any duty imposed on any municipal authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any such duty;

the Government may, by an order, direct the corporation or the commissioner within a period to be specified in the order, to make arrangements to their satisfaction for the proper performance of the duty, or to make financial provision to their satisfaction for the performance of the duty, as the case may be

Provided that, unless in the opinion of the Government the immediate execution of such order is necessary, the Government shall, before making an order under this section, give the corporation an opportunity of showing cause why such order should not be made.

Government's power to appoint a person to take action in default at expense of corporation.

46. (1) If, within the period fixed by an order issued under section 45, any action directed under that section has not been duly taken, the Government may by order—

(a) appoint some person to take the action so directed,

(b) fix the remuneration to be paid to him, and

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the municipal fund, and if necessary, that any one or more of the taxes authorized by Part III of this Act shall be levied or increased but not so as to exceed any maximum prescribed by that part.

(2) For the purpose of taking the action directed as aforesaid, the person appointed under sub-section (1) shall have power to make such contracts as are necessary, may exercise any of the powers conferred, on any municipal authority by or under this Act and specified in this behalf in the order issued under sub-section (1), and shall be entitled to protection under this Act as if he were a municipal authority.

(3) The Government may, in addition to, or instead of, directing the levy or increase of any of the said taxes, direct by notification that any sum of money which may in their opinion be required for giving effect to their orders be borrowed by debenture and on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of sections 146 to 157 shall, as far as may be, apply to any loan raised in pursuance of this section.

Submission of copies of proceedings, resolutions and bye-laws to Government. Government's power to cancel resolutions and bye-laws.

47. (1) The mayor shall submit to the Government copies of all resolutions and all bye-laws.

(2) The Government may at any time by notification—

(*a*) cancel any resolution in whole or in part on the ground that it is in excess of the powers conferred by this Act or by any rules made under this Act;

(*b*) repeal wholly or in part, or modify any bye-law:

Provided that before taking any action under this sub-section the Government shall communicate to the corporation the grounds on which they propose to do so, fix a reasonable period for the corporation to show cause against the proposal and consider its explanations and objections, if any.

(3) The repeal or modification of any bye-law shall take effect from the date of publication of the notification, if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

CHAPTER III.

Elections and Appointments of Councillors and Aldermen.

Fifty electoral divisions.

48. (1) (a) For the purpose of the election of the divisional councillors to fill the fifty general seats referred to in clause (*a*) of sub-section (1) of section 5, the city shall be divided into fifty territorial divisions the boundaries of which shall be fixed by the Government by notification.

(*b*) The Government may, after consulting the corporation, by notification, alter the boundaries of any such division.

(2) (*a*) For the purpose of the election of councillors to fill the seats specially reserved for members for the depressed classes and women under clause (*a*) of sub-section (1) of section 5, the Government may by notification declare—

(i) in which of the divisions the said seat shall be reserved and

(ii) for whom such seats are reserved.

(*b*) The Government may after consulting the corporation by notification, vary any declaration made by them under clause (*a*).

Number of councillors for each division.

49. (1) Except in the case of the divisions notified by the Government under sub-section (2) of section 48 only one councillor shall be elected for each division.

(2) Each of the divisions notified by the Government under sub-section (2) of section 48 shall elect in the manner specified in section 50 two councillors, one of whom shall be a member of the depressed classes, or a woman, as the case may be.

Mode of election.

50. All the voters in a division, irrespective of their sex or the community to which they belong, shall be entitled to vote at an election to any seat in that division, whether reserved or not.

Mode of election of councillors to labour seats.

51. (1) For the purpose of the election of councillors to the seats specially reserved for labour under clause (*b*) of sub-section (1) of section 5, the Government shall, by notification, constitute in such manner as they think fit—

two electorates consisting of persons employed in any industry situated in the city, who are members of registered labour associations:

Provided that if the number of councillors to be elected to seats specially reserved for labour is increased or reduced under sub-section (2) of section 5, the labour electorates aforesaid shall be increased or reduced in number accordingly and be reconstituted in such manner as the Government think fit.

(2) Each of the electorates constituted under sub-section (1) shall elect two councillors.

Publication of electoral roll.

52. (1) For each of the fifty divisions referred to in sub-section (1) of section 48 and for each of the labour electorates referred to in section 51, the Commissioner shall prepare and publish annually an electoral roll showing the names of persons qualified to vote, provided that the electoral roll published in any year shall remain in force until the publication of a fresh electoral roll.

(2) No person whose name does not appear in the electoral roll as qualified to vote at a divisional election or at the election to a labour constituency, as the case may be, shall vote at such election.

Personal qualifications to vote at election to general and depressed class seats.

53. (1) No person shall be included in the electoral roll as qualified to vote at the election for any of the divisions referred to in sub-section (1) of section 48—

(*a*) unless he has attained the age of twenty-one years in the year preceding that in which the electoral roll is published; and,

(b) unless he has resided in such division for one hundred and twenty days in the aggregate in the year preceding that hin which the electoral roll is published :

Provided that a person shall not be deemed to be disqualified under this clause if he is employed in the city and his non-residence in the division for the period aforesaid is due to his absence on leave out of Mysore.

Explanation—For the purpose of this clause no person shall be deemed to reside in more than one division.

54. In the electoral roll for each of the divisions notified by the Government under sub-section (2) of section 48 as the divisions in which seats shall be reserved for members of the depressed classes, the names of the electors belonging to such classes shall be shown separately or be distinguished from the names of the other electors in such manner as the Government may direct.

Names of electors belonging to the depressed classes to be distinguished from the rest.

55. No person who is of unsound mind or a deaf-mute shall be qualified to vote and no person shall be qualified to vote during the period for which he has been declared to be disqualified by a judicial order passed under section 71, and still in force.

Disqualification of voters.

56. (i) No person shall be qualified for election—

Qualification of candidate.

(a) as a councillor in respect of any of the fifty general divisional seats, unless his name is included in the electoral roll of any of the fifty divisions of the city ;

(b) as a councillor in respect of any of the divisional seats specially reserved for members of the depressed classes or women unless—

(i) such person is himself a member of any such class or a woman, as the case may be ; and

(ii) his or her name is included in the electoral roll of any of the fifty divisions aforesaid.

(c) as a councillor in respect of a labour electorate unless his name is included in the electoral roll of any of the labour electorates ; and

(d) as an alderman, unless his name is included in the electoral roll of any of the fifty divisions referred to in clause (a) or in the electoral roll of the labour electorates referred to in clause (c) or he is a member of the body referred to in clause (c) of sub-section (1) of section 5 who has resided in the city for ninety days in the aggregate in the year preceding that in which the election is held.

(2) No servant of the Government shall be qualified for ection or for holding office as a councillor or an alderman;

Provided that this prohibition shall not apply to—

(i) any person appointed as a special councillor under sub-section (3) of section 5; or

(ii) the holder of any office which does not involve both of the following incidents, namely,—

(*a*) that the incumbent is a whole-time servant of the G vernment and

(*b*) that he is remunerated by either salary or fees:

Provided further that if any question arises either before or after an election whether any person is or is not disqualified under this sub-section the question shall be referred to the Government whose decision shall be final.

Disqualification of candidates.

57. (1) A person who has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months for any offence other than an offence of a political character or an offence not involving moral delinquency (such sentence not having been reversed or the offence pardoned) shall be disqualified for election or appointment as a councillor or for election as an alderman while undergoing the sentence and for five years from the date of the expiration of the sentence.

(2) A person shall be disqualified for election or appointment as a councillor or for election as an alderman if such person is at the date of nomination, election or appointment—

(*a*) of unsound mind, a deaf-mute or a leper;

(*b*) an applicant to be adjudicated an insolvent or an undischarged insolvent;

(*c*) directly or indirectly, by himself or his partner, interested in a subsisting contract made with, or any work being done for, the corporation:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in—

(i) any lease, sale or purchase of immovable property or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the corporation is inserted;

(iv) any company or association, whether incorporated or not, which contracts with the corporation for lighting or supplying with water any part of the city or insuring against fire any property of the corporation;

(v) any company; or

(vi) the sale to the corporation of any articles in which he regularly trades, or the purchase from the corporation of any articles;

(*d*) employed as paid legal practitioner on behalf of the corporation or as legal practitioner against the corporation;

(*e*) an officer or servant holding office under this Act, or an Honorary Magistrate or a Public Prosecutor or Government Pleader; or

(*f*) already either a councillor or an alderman whose term of office as such will not expire before his fresh election or appointment can take effect or has already been elected a councillor or an alderman whose term of office has not yet commenced.

(3) Notwithstanding anything contained in sub-section (1), the Government may direct that such sentence shall not operate as a disqualification.

(4) No person shall be qualified for election or appointment as a councillor or for election as an alderman during the period for which he has been declared to be disqualified by a judicial order passed under section 71, and in force.

Disqualification of councillors and aldermen.

58. (1) Subject to the provisions of section 60, a councillor or alderman shall cease to hold office as such, if he—

(*a*) becomes of unsound mind, a deaf-mute, or a leper;

(*b*) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 57.

(*c*) applies to be adjudicated or is adjudicated an insolvent;

(*d*) subject to the proviso to clause (*c*) of sub-section (2) of section 57, acquires any interest directly or indirectly, by himself or his partner, in any subsisting contract made with, or work being done for, the corporation;

(*e*) is employed as paid legal practitioner on behalf of the corporation or accepts employment as legal practitioner against the corporation;

(*f*) is appointed to any office or post referred to in clause (*e*) of sub-section (2) of section 57;

(*g*) is declared to be disqualified by a judicial order passed under section 71:

(*h*) ceases to reside in the City; or

(*i*) fails to attend the meetings of the corporation for a period of three consecutive months beginning from the date of

the commencement of his term of office or of the last meeting he attended, as the case may be:

Provided that the disqualifications specified in clauses (*h*) and (*i*) shall not apply to any person appointed as a special councillor under sub-section (3) of section 5.

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1) the Government may direct that such sentence shall not operate as a disqualification.

(3) Where a person ceases to be councillor or alderman under clause (*a*) or clause (*g*) of sub-section (1), he shall be restored to office for such portion of the period for which he was elected or appointed as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of the Government and any person elected to fill the vacancy in the interim shall on such restoration vacate office.

(4) In the case of a person who has ceased to be a councillor or an alderman in consequence of failure to attend meetings, the matter shall be reported by the commissioner at the next ordinary meeting and the corporation may at that meeting restore such person to office.

Oath of allegiance to be taken by councillors and aldermen.

59. (1) Notwithstanding anything contained in the Indian Oaths Act, 1873, as in force in Mysore, every person who is elected or appointed to be a councillor or elected as an alderman shall before taking his seat make, at a meeting of the corporation an oath or affirmation of his allegiance to His Highness the Maharaja in the following form, namely :—

"I, A. B., having been elected a councillor/an alderman of this corporation do solemnly swear/affirm that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, his heirs and successors and that I will faithfully discharge the duties upon which I am about to enter."

(2) Any person who having been elected or appointed to be a councillor or elected an alderman, fails to make, within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) Any person who has been elected or appointed to be a councillor or elected an alderman shall not take his seat at a meeting of the corporation or do any act as such councillor or alderman unless he has made the oath or affirmation as laid down in sub-section (1).

(4) Notwithstanding anything contained in sub-section (3), a mayor or deputy mayor or the chairman or a member of a standing committee, who has not made the oath or affirmation as a councillor or alderman shall be entitled to act as such mayor, deputy mayor, chairman, or member :

Provided that he makes the oath or affirmation and takes his seat at the first meeting of the corporation which he attends within two months after he is elected as a mayor, deputy mayor, chairman or member, as the case may be.

Decision of questions of disqualifications of councillors and aldermen by the District Judge, Bangalore.

60. (1) Whenever it is alleged that any person who has been elected or appointed as a councillor or elected as an alderman is disqualified under section 57 or section 58 or section 59 and such person does not admit the allegation or whenever any councillor or alderman is himself in doubt whether or not he has become disqualified for office, such councillor or alderman or any other councillor or alderman may, and the commissioner, at the request of the corporation or on a direction from the Government, shall, apply to the District Judge, Bangalore Division.

(2) The said District Judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified under section 57 or section 58 or section 59 and his decision shall be final.

(3) Until an application has been made under sub-section (1) and a decision thereon has been obtained such person shall be entitled to act as if he were not disqualified.

General Rules for Election and Appointment.

Term of office of councillors and aldermen.

61. The term of office of councillors and aldermen shall, save as otherwise expressly provided, be three years beginning and expiring at noon on the first day of January.

Election of divisional councillors.

62. (1) Vacancies arising by efflux of time in the office of divisional councillor shall be filled at ordinary elections, which shall be fixed by the Commissioner to take place on such days in the months of November and December immediately preceding the vacancies as he thinks fit.

(2) A casual vacancy in the office of divisional councillor shall be filled at a casual election which shall be fixed by the commissioner to take place as soon as may be after the occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy occurring within three months before the ordinary date of retirement and that such vacancy shall be filled at the next ordinary election.

(3) A divisional councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Procedure on failure of election.

63. (1) If from any cause no councillor is elected at an ordinary election held under section 62, the retiring councillor shall, if willing to serve, be deemed to have been re-elected.

(2) If in any such case, the retiring councillor is not willing to serve, or if at casual election no councillor is elected, the commissioner shall, without delay, inform the corporation and

thereupon the corporation may appoint a qualified person to fill the vacancy, and if the corporation fails within thirty days after receipt of such information to appoint a person as aforesaid, the commissioner shall fix a day for a fresh election.

(3) The term of office of a councillor appointed, elected or deemed to have been re-elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or the casual election, as the case may be.

Procedure in case of equality of votes.

64. If there is an equality of votes between two or more candidates, the commissioner shall decide by drawing lots which candidate shall be deemed to have been elected.

Election or appointment of institutional councillors.

65. (1) Vacancies arising by efflux of time in the office of councillors elected or appointed under clauses (*b*) and (*c*) of sub-section (1) of section 5 shall be filled by election not later than the first day of December immediately preceding the vacancies.

(2) A casual vacancy in the office of any such councillor shall be filled by election or appointment, as the case may be, as soon as may be, after the occurrence of the vacancy.

(3) A councillor elected or appointed in a casual vacancy under sub-section (2) shall enter upon office forthwith, but shall hold office so long only as the councillor in whose place he is elected or appointed would have been entitled to hold office if the vacancy had not occurred.

Election of aldermen.

66. (1) Vacancies arising by efflux of time in the office of aldermen shall be filled by election at a meeting of the persons who on the first day of January on which such vacancies will arise will enter upon office as councillors.

Such meeting shall be convened by the mayor and shall be held on such day in the month of December immediately preceding the vacancies, as he may, with the approval of the Government, determine.

(2) A casual vacancy in the office of an alderman shall be filled by election at a meeting of the elected and appointed councillors convened by the mayor, as soon as may be, after the occurrence of the vacancy.

(3) An alderman elected at a casual election shall enter upon office forthwith but shall hold office so long only as the alderman in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(4) If from any cause any one or more of the aldermen for whose election a meeting is held under sub-section (1) or sub-section (2), are not elected, the mayor shall fix a day for a fresh election.

(5) The term of office of an alderman elected at an election held under sub-section (4) shall expire at the time at which it would have expired if he had been elected at the ordinary or the casual election, as the case may be.

Election of same person for more than one division, institution or body.

67. (1) If any person has been elected—

(*a*) for two or more divisions or by two or more labour electorates; or

(*b*) for one or more divisions and by one or more labour electorates or the bodies referred to in clause (*c*) of sub-section (1) of section 5; or

(*c*) by one or more labour electorates and by one or more of the said bodies; or

(*d*) for one or more divisions, by one or more labour electorates, and by one or more of the said bodies; he shall, within three days from the date of the last of such elections, intimate to the commissioner, the division, the labour electorate, or the body for which he chooses to serve.

(2) In default of such intimation, the commissioner shall determine by lot and notify the division or the institution or body for which such person shall serve.

(3) The said person shall be deemed to have been elected or appointed only for the division or the institution or body so chosen or so notified, as the case may be, and the vacancies thereby arising in the representation of the other divisions, institutions or bodies shall be filled by fresh elections or appointments, as the case may be.

Notification of elections and appointments.

68. All elections of the mayor, deputy mayor and aldermen and all elections or appointments of councillors shall be notified in the Official Gazette.

Power of Government to make election rules.

69. (1) The Government may make rules regulating the procedure with regard to elections and appointments.

(2) Without prejudice to the generality of sub-section (1) such rules may—

(*a*) provide for the adjudication by the Court of the District Judge, Bangalore Division, of disputes arising out of elections or appointments and;

(*b*) provide for all matters not expressly provided for in this Act relating to the election of the mayor, the deputy mayor, councillors or aldermen including deposits to be made by candidates standing for election as councillors, and the conditions under which such deposits may be forfeited:

Provided that the deposit required shall not exceed one hundred rupees.

Infringement of secrecy of election.

70. Every polling officer, clerk or other person in attendance at the polling room who, except for purposes authorized by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted, and every person who, by any improper means procures any such information, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Order of disqualification.

71. Every person convicted of an offence punishable under section 70 or under Chapter IX-A of the Indian Penal Code shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of

councillor or alderman for a period of five years from the date of his conviction or for such shorter period as the court may, by order, determine.

CHAPTER IV.

General Powers of Municipal Authorities as to Property, Contracts, Establishment.

Property.

Limitation of power to accept property in trust.

72. The corporation may accept trusts relating exclusively to the furtherance of purposes to which the municipal fund may be applied.

Acquisition of property and interests therein.

73. Subject to the provisions of section 80, the Commissioner may, for the purposes of this Act, acquire on behalf of the corporation movable or immovable property within or without the city or any interests in such property:

Provided that—

(*a*) the commissioner shall be bound by any resolution of the standing committee fixing terms, rates or maximum prices for a particular case or for any class of cases;

(*b*) the sanction of the standing committee shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gift or bequest of property burdened by an obligation; and

(*c*) the sanction of the corporation shall be required—

(i) for the acceptance or acquisition of any immovable property if the value of the property which it is proposed to accept, acquire or give in exchange exceeds one thousand rupees;

(ii) for the taking of any property on lease for a term exceeding three years; or

(iii) for the acceptance of any gift or bequest of property burdened by an obligation if the value of such property exceeds one thousand rupees.

Disposal of property and interests therein.

74. (1) Subject to the provisions of section 80, the commissioner may dispose by sale or exchange of any corporation movable property the value of which does not exceed five hundred rupees in each instance, or grant for any term not exceeding twelve months a lease of any corporation immovable property or a lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like:

Provided that every such disposal, lease or concession made or granted by the commissioner shall be reported to the standing committee within fifteen days.

(2) With the sanction of the standing committee, the Commissioner may dispose by sale or exchange of any corporation movable property the value of which does not exceed five thousand rupees in each instance, or grant for any term not exceeding three years a lease of any corporation immovable property or a lease or concession of any such right as aforesaid.

(3) With the sanction of the corporation the Commissioner may lease, sell or otherwise dispose of any corporation property, movable or immovable.

(4) The sanction of the standing committee under sub-section (2) or that of the corporation under sub-section (3) may be given either generally or for any class of cases or specially for any particular case.

(5) The commissioner may lend or let out on hire any corporation movable property on such conditions and for such periods as may be specified in regulations made by the standing committee in that behalf.

Procedure for acquisition of immovable property under the Mysore Land Acquisition Act, 1894.

75. Any immovable property which any municipal authority is authorized by this Act to acquire may be acquired under the provisions of the Mysore Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the corporation.

Objects not provided for by this Act.

76. The Government may with the consent of the corporation transfer to the corporation the management of any institution or the execution of any work not provided for by this Act and it shall thereupon be lawful for the corporation to undertake such management or execution:

Provided that in every such case the funds required for such management or execution shall be placed at the disposal of the corporation by the Government.

CONTRACTS.

Power of corporation to determine whether works shall be executed by contract.

77. The corporation may determine either generally for any class of cases or specially for any particular case whether the Commissioner shall execute works by contract or otherwise.

Power of the several authorities to sanction estimates.

78. (1) The commissioner may sanction any estimate, the amount of which does not exceed ten thousand rupees.

(2) When the amount of the estimate exceeds ten thousand rupees but does not exceed fifty thousand rupees, the sanction of the standing committee shall be required.

Works costing more than fifty thousand rupees.

79. (1) Where a project is framed for the execution of any work or series of works the entire estimated cost of which exceeds fifty thousand rupees—

(a) the commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and the standing committee shall lay the same before the corporation;

(*b*) the corporation shall consider the report and may reject the project or may approve it either in its entirety or subject to modifications.

(2) (*a*) Where the corporation approves the project, and the entire estimated cost exceeds two and a half lakhs of rupees, the report subject to any modifications as aforesaid, shall be submitted to the Government.

(*b*) The Government may reject the project or may sanction it either in its entirety or subject to modification.

(*c*) The work shall not be commenced until the project has been sanctioned by the Government with or without modification.

(*d*) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Government.

General provisions regarding contracts.

80. (1) The corporation may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of this Act.

(2) With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely,—

(*a*) every contract shall be made on behalf of the corporation by the commissioner;

(*b*) no contract for any purpose which, in accordance with any provision of this Act, the commissioner may not carry out without the sanction of one of the other municipal authorities, shall be made by him unless such sanction has been given;

(*c*) no contract involving an expenditure exceeding ten thousand rupees and not exceeding fifty thousand rupees shall be made by the commissioner unless it has been sanctioned by the standing committee;

(*d*) no contract involving an expenditure exceeding fifty thousand rupees shall be made by the commissioner unless it has been sanctioned by the corporation;

(*e*) every contract made by the commissioner involving an expenditure exceeding one thousand rupees and not exceeding ten thousand rupees shall be reported to the standing committee within fifteen days after it has been made.

(3) The provisions of sub-section (2) shall apply to any variation of a contract involving an increase of more than ten per cent on the expenditure involved in the original contract.

Mode of making contracts.

81. (1) Every contract entered into by the commissioner on behalf of the corporation shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged:

Provided that —

(*a*) the common seal of the corporation shall be affixed to every contract which, if made between private persons, would require to be under seal; and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify—

(i) the work to be done or the materials or goods to be supplied, as the case may be,

(ii) the price to be paid for such work, materials or goods and,

(iii) in the case of a contract for work, the time within which the work or specified portions thereof shall be completed.

(2) The common seal of the corporation shall remain in the custody of the Commissioner and shall not be affixed to any contract or other instrument except in the presence of the Commissioner or of two members of the standing committee, and the Commissioner or the said two members shall sign the contract or instrument in token that the same was sealed in his or their presence.

(3) No contract executed otherwise than as provided in this section shall be binding on the corporation.

Invitation of tenders.

82 (1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, the commissioner shall give notice by advertisement inviting tenders for such contract:

Provided that the standing committee may at the instance of the commissioner and for reasons which shall be recorded in its proceedings, authorize the commissioner to enter into a contract without inviting tenders.

(2) On receipt of the tenders made in pursuance of the notice given under sub-section (1), the commissioner may, subject to the provisions of section 80, accept any tender which appears to him, upon a view of all the circumstances, to be the most advantageous, but he shall not reject all the tenders without the sanction of the standing committee.

Saving of certain irregularities.

83. When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of section 80, section 81 or section 82 merely by reason of the fact that the pecuniary limits therein laid down are eventually exceeded.

Security for performance of contracts.

84. The commissioner shall take sufficient security for the due performance of every contract into which he enters after a tender has been accepted, and may take security for the due performance of any other contract into which he enters under this Act.

Establishment.

The Health Officer, the Engineer, etc.

85. (1) The corporation shall appoint a health officer, an engineer, a revenue officer, and such other officers as it may

consider necessary who shall be heads of departments working under the commissioner.

The salary and allowances attaching to every such appointment shall be fixed by the corporation subject to the sanction of the Government, and shall not be varied without the like sanction :

Provided that —

(a) every such appointment shall be subject to confirmation by the Government.

(b) the monthly salary of the health officer, the engineer, and the revenue officer, shall not exceed twelve hundred rupees ;

(2) The said officers shall be whole-time officers of the corporation and shall not undertake any work unconnected with their respective offices without the sanction of the corporation.

Special superior appointments.

86. The corporation may appoint:

(a) special health officers for the purpose of making investigations and proposing preventive or remedial measures with reference to the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the City ;

(b) engineers, architects or experts in town improvement or town-planning for the purpose of preparing, executing or supervising any scheme or work undertaken by the corporation ;

(c) special revenue officers for the purpose of carrying out a periodical revision of assessment, introducing a new tax or discharging any extraordinary duty connected with the revenue administration of the corporation :

Provided that—

(i) no such special office shall be created without the sanction of the Government ;

(ii) the period of duration of any such office, the salary, the allowances and the conditions of service attaching thereto shall be fixed by the corporation, subject to the sanction of the Government, save as expressly laid down in section 88, and shall not be varied without the like sanction ; and

(iii) every appointment to any such office shall be subject to confirmation by the Government.

Time within which vacancy in superior appointment must be filled up.

87. (1) If a vacancy occurs in any office specified in sections 85 and 86 or any new office is created under section 86, the corporation shall within three months appoint some person to hold such office.

(2) If the Government refuse to confirm the appointment so made, the corporation shall make a fresh appointment within forty-five days from the receipt of the order refusing confirmation.

(3) In default of any appointment or fresh appointment being made in accordance with sub-section (1) or sub-section (2), as the case may be, the Government may appoint a person to hold the office and such person shall be deemed to have been appointed by the corporation.

(4) Pending an appointment under sub-section (1) or sub-section (2), the corporation may appoint a person to hold the office temporarily and may assign to him such salary as it shall think fit:

Provided always that the salary so assigned shall not exceed the maximum laid down in section 85 or fixed with the sanction of the Government under section 86 in respect of the Office.

Removal and leave, pensionary and leave contributions of superior officers.

88. (1) Any officer appointed under section 85, section 86 or sub-section (3) of section 87 may be removed from office by the Government.

(2) Leave may be granted to any such officer by the commissioner for periods not exceeding one month and by the corporation for longer periods:

Provided that where such officer is in the service of the Government such leave shall be granted by the Government.

(3) If any such officer is a civil officer in the service of the Government, he shall be entitled to leave and other privileges in accordance with the rules and regulations of the branch of Government service to which he belongs and in force for the time being and the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be payable under such rules and regulations by him or on his behalf.

(4) If any such officer is not a civil officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contributions payable respectively from his salary and from the municipal fund shall be governed by regulations approved by the Government:

Provided that:—

(*a*) the amount of any such leave and leave allowances, gratuity or pension shall in no case without the special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status; and

(*b*) the conditions under which such allowances are granted, or any leave, superannuation or retirement is sanctioned, shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Power of Government to appoint special health officers.

89. In the event of the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the City, the Government, if they consider immediate action necessary, may, of their own motion appoint a special health officer wholly or partly at the expense of the municipal fund;

Provided that—

(*a*) the duration of the special office shall not exceed six months; and

(b) the corporation shall not be bound to pay more than five hundred rupees per mensem on account thereof.

Appointment to corporation establishment.

90. Subject to the provisions of sections 85, 86, and 89, appointments to the corporation establishment shall be made :—

(a) by the corporation if the maximum monthly salary of the office exceeds five hundred rupees ;

(b) by the commissioner in all other cases.

Establishment schedule.

91. (1) The commissioner shall, from time to time, lay before the standing committee a schedule setting forth the designations and grades of the officers and servants who should in his opinion constitute the corporation establishment, and embodying his proposals with regard to the salaries, fees and allowances payable to them.

(2) The standing committee may either approve or amend such schedule as it thinks fit and shall lay it before the corporation with its remarks, if any.

(3) The corporation shall sanction such schedule with or without modifications as it thinks fit and may from time to time amend it at the instance of the commissioner and standing committee :

Provided that no new office shall be created without the sanction of the Government if the maximum monthly salary exceeds two hundred and fifty rupees.

Restriction of employment of establishment.

92. No officer or servant shall be entertained on the corporation establishment unless he has been appointed under section 85, section 86, section 87 or section 89, or unless his office and emoluments are included in the schedule sanctioned under section 91.

Commissioner controls corporation establishment.

93. Subject to the provisions of this Act and to the bye-laws and regulations for the time being in force, the commissioner shall prescribe the duties of the corporation establishment and exercise supervision and control over their acts and proceedings and dispose of all questions relating to their conduct, service, pay, allowances, leave, pension and provident fund privileges.

Contributions in respect of Government servants.

94. (1) If an officer or servant serving or having served under the corporation is or has been transferred from or to the service of the Government or is employed partly under the Government and partly by the corporation, the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required to be made by him or on his behalf under the rules and regulations of the branch of Government service to which he belongs.

(2) Every Government servant employed by the corporation shall be entitled to leave and other privileges in accordance with the rules and regulations of the branch of Government service to which he belongs.

95. Subject to the provisions of this Act, the standing committee may frame regulations in respect of the corporation establishment—

Power of standing committee to frame service regulations.

(a) fixing the amount and nature of security to be furnished;

(b) prescribing educational or other qualifications;

(c) regulating the grant of leave, leave allowances and acting allowances;

(d) regulating the grant of pensions and gratuities;

(e) establishing and maintaining provident funds and making contribution thereto compulsory;

(f) regulating conduct; and

(g) generally prescribing conditions of service:

Provided that every regulation so framed shall be subject to confirmation by the corporation and that every regulation framed under clause (b) in respect of any officer whose appointment is subject to confirmation by the Government or clause (d) or clause (e) shall also require the sanction of the Government;

Provided also (i) that the amount of any leave and leave allowances, gratuity or pension granted under these regulations shall in no case without the special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status, and (ii) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

96. (1) Subject to the provisions of section 94, if any, officer or servant in the service of the corporation other than an officer appointed under section 85, section 86 or sub-section (3) of section 87 is guilty of any breach of any departmental rules or discipline or of carelessness, neglect of duty or other misconduct, or is unfit, the authority competent to appoint such officer or servant may impose the following penalties on him, namely:—

Power to punish establishment.

(i) censure;

(ii) with-holding of increments or promotion, including stoppage at an efficiency bar;

(iii) reduction to a lower post or time-scale, or to a lower stage in a time-scale;

(iv) fine;

(v) recovery from pay of the whole or part of any pecuniary loss caused to the corporation;

(vi) suspension;

(vii) removal from the service of the corporation, which does not disqualify from future employment;

(viii) dismissal from the service of the corporation which ordinarily disqualifies from future employment.

(2) Any order passed under sub-section (1) shall be final:

Provided that any officer or servant in receipt of a monthly salary of not less than fifty rupees may appeal to the standing committee against any order of the commissioner reducing, removing or dismissing him or suspending him for a period of more than one month:

Provided further that any officer or servant in receipt of a monthly salary exceeding one hundred rupees may appeal to the Government against an order of dismissal, within a period of one month from the date of the order passed by the standing committee, on appeal from such order of dismissal;

Provided further that no Government servant employed by the corporation shall be dismissed from such employment without the consent of the Government or until three months' notice in writing to that effect shall have been given to the chief controlling authority of the branch of the Government service to which such servant belongs.

(3) Pending a resolution of the corporation the commissioner may suspend any officer appointed by that authority:

Provided always that he shall forthwith report to the corporation the reasons for his action.

Power to grant leave to establishment.

97. Save as provided in sections 88 and 94, leave may be granted to the corporation establishment by the commissioner.

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PART III.

Taxation and Finance.

CHAPTER V.

TAXATION.

Enumeration of Taxes.

98. The corporation may levy :— Enumeration of taxes and duties.

(*a*) a property tax,

(*b*) a profession tax,

(*c*) a tax on carriages and animals,

(*d*) a tax on carts,

(*e*) a tax on timber brought into the city,

and may, with the previous sanction of the Government levy—

(*f*) a tax on advertisements,

(*g*) a duty on certain transfers of property in the shape of an additional stamp duty.

99. (1) Before the corporation passes any resolution imposing a tax or duty for the first time it shall direct the commissioner to publish a notice in the Official Gazette and in the local newspapers of its intention and fix a reasonable period not being less than one month from the date of publication of such notice in the Official Gazette for submission of objections. The corporation may, after considering the objections, if any, received within the period specified, determine by resolution to levy the tax or duty. Such resolution shall specify the rate at which, the date from which and the period of levy, if any, for which such tax or duty shall be levied. Powers of control of Government.

(2) When the corporation shall have determined to levy any tax or duty for the first time or at a new rate, the commissioner shall forthwith publish a notice in the manner laid down in sub-section (1) specifying the date from which, the rate at which and the period of levy, if any, for which such tax or duty shall be levied.

(3) Any resolution abolishing an existing tax or duty or reducing the rate at which any tax or duty is levied shall not be carried into effect without the sanction of the Government, but such sanction shall not be necessary for a resolution reducing the rate at which property tax is levied provided that such reduction does not contravene the proviso to sub-section (2) of section 100.

(4) Where any resolution under this section has taken effect for a particular year, no proposal to alter the rates or the

date fixed in such resolution so far as that year is concerned shall be taken into consideration by the corporation without the sanction or a direction from the Government.

THE PROPERTY TAX.

Description and class of property tax.

100. (1) If the corporation by a resolution determines that a property tax shall be levied, such tax shall be levied on all buildings and lands within the city save those exempted by or under this Act or any other law. The property tax may comprise—

(*a*) a tax for general purposes;

(*b*) a water and drainage tax for the purpose of defraying the expenses connected with the water and drainage systems of the city;

(*c*) a lighting tax for the purposes of defraying the expenses connected with the lighting of the city:

Provided that where the water and drainage tax is levied the corporation shall declare what proportion of the tax is levied in respect of water-works and the remainder shall be deemed to be levied in respect of drainage works and the proportion so declared shall also be specified in the notice published under sub-section (2) of section 99.

(2) Save as otherwise provided in this Act, these taxes shall be levied at such percentages of the annual value of buildings and lands as may be fixed by the corporation:

Provided that the aggregate of the percentages so fixed shall not in the case of any land or building be less than 15½ per cent or greater than 20 per cent of its annual value.

(3) For the purpose of assessing the property tax the annual value of any building or land shall be determined by the commissioner:

Provided that the annual value of any building or land the tax for which is payable by the commissioner shall be determined by the Mayor.

Method of assessment of property tax.

101. (1) Every building shall be assessed together with its site and other adjacent premises occupied as appurtenances thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may at the time of assessment reasonably be expected to let from month to month or from year to year, less a deduction in the case of buildings only of ten per cent of such annual rent and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever:

Provided that:—

(*a*) in the case of

(i) any Government or railway building; or

(ii) any building of a class not ordinarily let, the gross annual rent of which cannot in the opinion of the commissioner be estimated.

the annual value of the premises shall be deemed to be six per cent of the total of the estimated market value of the land at the time of assessment and the estimated cost of erecting the building at such time after deducting for depreciation, a reasonable amount which shall in no case be less than ten per cent of such cost, and

(*b*) machinery and furniture shall be excluded from valuations under this section :

Provided further that where the annual value of any land or building is attributable partly to the use of such land or building or any portion thereof for the display of any advertisement or advertisements, the annual value of such land or building for the purpose of assessing the property tax thereon shall be ascertained as if, such land, building or portion is not used for the display of such advertisement or advertisements.

General exemptions.

102. The following buildings and lands shall be exempt from the property tax :—

(*a*) places set apart for public worship and either actually so used or used for no other purpose ;

(*b*) choultries for the occupation of which no rent is charged and choultries the rent charged for occupation of which is used exclusively for charitable purposes ;

(*c*) places used for the charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the corporation ;

(*d*) such ancient monuments protected under the Ancient Monuments Preservation Act, 1925, or parts thereof as are not used as residential quarters or public offices ;

(*e*) charitable hospitals and dispensaries but not including residential quarters attached thereto ;

(*f*) such hospitals and dispensaries maintained by railway administrations as may from time to time be notified by the Government, but not including residential quarters attached thereto ;

(*g*) burial and burning grounds included in the list published by the commissioner under section 366 (3) of this Act ;

(*h*) government lands set apart free for recreation purposes and all such other property of Government being neither buildings nor land from which in the opinion of the Government any income could be derived as may from time to time be notified by the Government ;

(*i*) buildings and lands belonging to His Highness the Maharaja or used or intended for the occupation of His Highness the Maharaja ;

(j) Any building or land the annual value of which is less than thirty-six rupees provided that the owner thereof is not liable to profession-tax or income-tax and provided further no other building or land is owned by him or the aggregate annual value of all the buildings and lands owned by him is less than thirty-six rupees:

Provided that nothing contained in clauses (*a*), (*c*) and (*e*) shall be deemed to exempt from property tax any building or land for which rent is payable by the person or persons using the same for the purposes referred to in the said clauses.

cial mptions alterna- bases of perty tax.

103. The rates of property tax fixed by the corporation may be proportionate to the value of each building or land or may advance in systematic progression with the value of the building or land, but shall in no case decrease as the value of the building or land increases. When a progressive rate has been adopted by the corporation it shall prescribe the principles of classification (as that a certain sum which shall be tax-free shall be deducted from the assessment of each building or land or that the progression shall be from a certain percentage in the lowest to a certain percentage in the highest class) and the precise number and limits of each class:

Provided that:—

(*a*) the corporation may, with the sanction of the Government exempt any local area from the whole or a portion of the water and drainage tax or of the lighting tax on the ground that such area is not deriving any or the full benefit from the water-supply and drainage or from the lighting system;

(*b*) in the case of any land which is not appurtenant to any building or which is occupied by or appurtenant to huts the commissioner may assess the land or premises, as the case may be, with reference to extent in lieu of annual value and at such rates as he may himself determine subject always to the following maxima per ground of land measuring two thousand and four hundred square feet:—

(i) for the water and drainage tax—three rupees;

(ii) for the lighting tax—one rupee;

(iii) for the tax for general purposes—four rupees;

operty tax rst charge property d movables.

104. The property tax on buildings and lands shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax.

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105. The property tax shall be levied every half-year and shall, save as otherwise expressly provided in Schedule III, be paid by the owner of the assessed premises within fifteen days after the commencement of the half-year.

acancy mission.

106. When any building whether ordinarily let or occupied by the owner himself has been vacant and unlet for thirty

or more consecutive days in any half-year, the commissioner shall remit so much, not exceeding one-half of such portion of the tax as relates to the building only as is proportionate to the number of days during which the building was vacant and unlet in the half-year.

(2) Every claim for remission under sub-section (1) shall be made during the half-year in respect of which the remission is sought or in the following half-year and not afterwards.

(3) (*a*) No claim for such remission shall be entertained unless the owner of the building or his agent has previously thereto delivered a notice to the commissioner—

(i) that the building is vacant and unlet; or

(ii) that the building will be vacant and unlet from a specified date either in the half-year in which notice is delivered or in the succeeding half-year.

(*b*) The period in respect of which the remission is made shall be calculated—

(i) if remission is sought in respect of the half-year in which notice is delivered, from the date of delivery of the notice from the date on which the building became vacant and unlet, whichever is later; and

(ii) if remission is sought in respect of the half-year succeeding that in which the notice is delivered, from the commencement of the half-year in respect of which remission is sought or from the date on which the building became vacant and unlet, whichever is later.

(*c*) Every notice under clause (*a*) shall expire with the half-year succeeding that during which it is so delivered, and shall have no effect thereafter.

Obligation of transferrer and transferee to give notice of transfer.

107. (1) Whenever the title of any person primarily liable to the payment of the property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall, within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument be executed, give notice of such transfer to the commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred as heir or otherwise shall give notice of such transfer to the commissioner within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the commissioner may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the commissioner any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the commissioner shall in addition

to any other liability which he may incur through such neglect continue liable for the payment of the property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the municipal registers, but nothing in this section shall be held to affect—

(*a*) the liability of the transferee for the payment of the said tax, or

(*b*) the prior claim for the corporation under section 104.

Owner's obligation to give notice of construction or re-construction or demolition of building.

108. (1) (*a*) If any building in the city is constructed or reconstructed, the owner shall give notice thereof to the commissioner within fifteen days from the date of completion or occupation of the building, whichever is earlier.

(*b*) If such date falls within the last two months of a half-year, the owner shall, subject to notice being given under clause (*a*), be entitled to a remission of the whole of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year.

(*c*) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under clause (*a*), be entitled to a remission of so much, not exceeding a half of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year as is proportionate to the number of days in that half-year preceding such date.

(2) (*a*) If any building in the city is demolished or destroyed, the owner shall, until notice thereof is given to the commissioner, be liable for the payment of the property tax for which he would have been liable had the building not been demolished or destroyed.

(*b*) If such notice is given within the first two months of a half-year, the owner shall be entitled to a remission of the whole of the tax payable in respect of the building only, for that half-year.

(*c*) If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission of so much, not exceeding a half, of the tax payable in the respect of the building only, for that half-year as is proportionate to the number of days in that half-year succeeding the demolition or destruction as the case may be.

Remission of tax in areas included or excluded in the middle of half-year.

109. (1) If any area is included in the city, the owner of every building or land in such area shall—

(*a*) if the date of such inclusion falls within the last two months of a half-year, not be liable to pay any property tax in respect thereof for that half-year; and

(*b*) if such date falls within the first four months of a half-year, be entitled to a remission of so much, not exceeding a half, of the property tax payable in respect thereof for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2) If any area is excluded from the city, the owner of every building or land in such area shall be entitled—

(a) if the date of such exclusion falls within the first two months of a half-year, to a remission of the whole of the property tax payable in respect thereof for that half-year; and

(b) if such date falls within the last four months of a half-year, to a remission of so much, not exceeding a half, of the property tax payable in respect thereof for that half-year as is proportionate to the number of days in that half-year succeeding such date.

(3) No remission shall be granted under sub-section (2) in respect of any building or land unless an application for such remission is made to the commissioner within three months from the date of the exclusion of the area in which the building or land is situated.

Power of commissioner to condone omission to give notice

110. The commissioner may, at his discretion, condone omissions to give notice under sections 106, 107, 108 or 109 giving his reasons in writing for every such condonation.

Commissioner's power to call for information and to enter upon premises.

111. (1) For the purpose of assessing the property tax, the commissioner may, by notice, call on the owner or occupier of any building or land to furnish him within thirty days after the service of the notice where the notice is served upon the Government, a railway administration or a company and within fourteen days after such service in other cases, with returns of the rent payable for the building or land, the cost of erecting the building, and the measurements of the land with such and other information as the commissioner may require and every owner or occupier upon whom any such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

(2) For the purpose aforesaid the commissioner may, enter, inspect, survey and measure any building or land, after giving twenty-four hours' notice to the owner or occupier.

Profession Tax.

Tax on professions, arts, callings, business and appointments.

112. (1) If the corporation by a resolution determines that a profession tax shall be levied, every person, after the date specified in the notice published under sub-section (2) of section 99 in any half-year—

(a) exercises a profession, art or calling or transacts business or holds any appointment, public or private—

(i) within the city for not less than sixty days in the aggregate, or

(ii) outside the city but who resides in the city for not less than sixty days in the aggregate; or

(b) resides in the city for not less than sixty days in the aggregate and is in receipt of any pension or income from investments, shall pay, in addition to any license fee that may be

leviable under this Act, a half-yearly tax, assessed in accordance with the rules in Schedule III, but in no case exceeding rupees five hundred.

Explanation 1.—A person shall be deemed to have exercised a profession, art or calling or held an appointment within the city, if the person has an office or place of employment within the city.

Explanation 2.—A touring officer whose headquarters is within the city shall be liable for the payment of profession tax even though he has not stayed at headquarters for the period specified in this sub-section provided that his connection with the appointment has subsisted for such period.

Explanation 3.—Any amount received by a person in commutation of his pension, or any portion of his pension, shall not be deemed to be a pension within the meaning of this sub-section.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(3) Nothing contained in this section shall be deemed to render a person who resides within the local limits of any local authority and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities, liable to profession tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government shall be final.

Liability of member of firm or undivided family for profession tax.

113. The profession tax leviable from a firm, association or joint Hindu family may be levied from any adult member of that firm, association or family.

Payment when due and notice to pay.

114. (1) The expression "transacts business" in section 112 shall be deemed to include the doing of acts of business of whatever nature, whether isolated or not, such as soliciting, obtaining or transmitting orders, or buying, making, manufacturing, exporting, importing, receiving, transmitting or otherwise dealing with goods.

(2) Where for the purpose of transacting business within the city a person has an office or has an agent or firm to represent him, such person shall be deemed to transact business within the city, whether or not such office, agent or firm has power to make binding contracts on behalf of such person in charge of such office or the agent or firm, as the case may be, shall be liable for the tax payable by such person.

(3) A person otherwise liable to profession tax under section 112 shall not cease to be liable to such tax by reason only of his head office or the place from which his business is controlled

being situated outside the city or by reason only of the fact that his transactions are closed outside the city.

(4) If a person proves that he has paid the sum due on account of the profession tax levied under this Act or under the Mysore City Municipalities Act, 1933, or under the Mysore Town Municipalities Act, 1933, for the same half-year, to the corporation of Bangalore or any other municipal council in Mysore such person shall not be liable, by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence, to pay to the corporation of Bangalore or any municipal council more than the difference between such sum and the amount to which he is otherwise liable for the profession tax for the half-year under this Act or any of the aforesaid Acts.

(5) If the profession tax due from any person in respect of any half-year is not paid, the commissioner shall cause a notice to be served on such person to pay such tax within fifteen days of the date of such service.

Statements, returns, etc., to be confidential.

115. All statements made, returns furnished or accounts or documents produced in connection with the assessment of profession tax by any person shall be treated as confidential and copies thereof shall not be granted to the public.

Requisition on owner or occupier to furnish list of persons liable to tax.

116. The commissioner may, by notice require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club, or residential chambers to furnish within specified time a list in writing containing the names of all persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers and specifying the profession, art, trade or calling or appointment of every such person and the rent, if any, paid by him and the period of such occupation.

Requisitions on employers or their representatives to furnish list of persons liable to tax.

117. The commissioner may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding house or club, or of a firm or company—

(*a*) to furnish within a specified time a list in writing of the names of all persons employed by such employer or by such office, hotel, boarding house or club, firm or company as officers, servants, agents, suppliers or contractors with a statement of the salary or income of each of such employed persons; and

(*b*) to furnish particulars in regard to any company of which such employer, head, secretary or manager, as the case may be, is the agent.

Tax on Carriages and Animals.

General provisions regarding tax on carriages and animals.

118. (1) If the corporation by a resolution determines that a tax on carriages and animals shall be levied, the commissioner shall levy the said tax half-yearly on carriages and animals kept within the city which are of the kinds specified in Part IV of Schedule III.

(2) The rates of the tax shall be determined by the corporation, provided always that they shall not exceed the maxima laid down in Part IV of Schedule III.

Liability to tax according to period for which carriage or animal has been kept.

119. (1) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept within the city for an aggregate period of not less than sixty days in the half-year.

(2) If such aggregate period exceeds fifteen days but is less than sixty days, a moiety only of the half-yearly tax shall be leviable.

(3) If such aggregate period does not exceed fifteen days, no tax shall be leviable for the half-year.

(4) Every person having possession, custody or control of any taxable carriage or animal within the city shall, until the contrary is shown, be presumed to have kept the same within the city for sixty days in the half-year.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to taxation during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid by some other person.

Exemptions.

120. The carriage and animal tax shall not be levied on—

(*a*) carriages and animals belonging to the Government or the Government of India;

(*b*) carriages and animals belonging to members of the city police or officers or servants of the corporation employed on out-door duties, provided that the exemption under this clause shall extend only to a carriage or animal required to be kept by any such member, officer or servant for the discharge of his official duties;

(*c*) carriages and animals kept solely for sale by carriage-makers and dealers;

(*d*) carriages which have been under repair or standing at a carriage-maker's during the whole of the half-year;

(*e*) animals which during the whole of the half-year have been kept in any institution for the reception of infirm or diseased animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half-year.

Composition.

121. With the sanction of the standing committee or in accordance with regulations framed by that body, the commissioner may compound, for any period not exceeding one year, with any livery stable-keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

Requisition on occupier to furnish statement of persons liable to tax.

122. (1) The commissioner may by notice require the occupier of any premises to furnish him with a statement—

(*a*) showing the name and address of every person who has possession, custody or control of any carriage or animal

which is kept in such premises and is liable to the carriage and animal tax;

(b) containing a description of every such carriage or animal.

(2) The occupier shall sign the statement and transmit it to the municipal office within one week from the date of his receipt of the notice.

Forms to be sent to and returned by tax payers.

122-A. (1) The commissioner shall send to every person supposed to have become liable to the payment of the tax on carriages and animals a printed table to be filled up with such information respecting the carriages and animals kept by him as the commissioner considers necessary for the assessment of the tax.

(2) Such table shall be filled up with such information in writing, signed and dated and returned within one week of its receipt to the municipal office by the person to whom it has been sent.

(3) On the expiry of the period of one week referred to in sub-section (2) the commissioner shall cause a notice to be served on such person requiring him to pay within fifteen days of the date of such service the sum for which in the opinion of the commissioner such person is liable on account of the tax on carriages and animals.

Grant of licence on payment of tax.

123. When any person pays the amount of tax due in respect of any carriage or animal, the commissioner shall grant him a license to keep such carriage or animal for the period to which the payment relates.

Power to require number to be affixed to bicycles, etc.

124. (1) The commissioner may direct that a municipal number shall be affixed—

(a) to every carriage let out for hire within the city, and

(b) to every bicycle and tricycle kept within the city.

(2) The numbers affixed under sub-section (1) shall be registered in the municipal office.

Tax on Carts.

General provisions regarding cart-tax.

125. (1) If the corporation by a resolution determines that a tax shall be levied on carts, the commissioner shall levy the said tax half-yearly at the rate or rates which shall not exceed eight rupees per cart per half-year fixed by the corporation and from the date specified in the notice published under section 99 on all classes of carts kept within the city:

Provided that no person shall be liable to tax during any half-year on account of any cart in respect of which the tax for the same half-year has already been paid by some other person;

Provided further that in the case of single bullock carts the tax shall not exceed four rupees half-yearly;

Provided further that in fixing the said rates, the corporation shall have regard to the extent of damage caused by different classes of carts to the road.

(2) Every owner of any such cart shall register it once in every half-year in the municipal office.

(3) The commissioner may direct that a municipal number shall be affixed to every registered cart.

(4) The commissioner shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

(5) All registrations made and numbers affixed under this section shall be entered in a book to be kept for the purpose at the municipal office.

(6) Such book shall be open to the inspection of any tax-payer at all reasonable times without charge.

Exemptions.

126. Nothing in section 125 shall apply to—

(*a*) gun carriages, ordnance carts or wagons or other such property of the Government or the Government of India and—

(*b*) carts kept solely for sale by cart-makers and dealers.

Power to remit tax on cart kept for less than fifteen days or not used.

127. The commissioner may remit the whole or a portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept within the city for an aggregate period not exceeding fifteen days in the half-year or to have been under repair or standing at a cart-maker's during the whole of the half-year.

Power to seize carriages and carts not bearing numbers.

Seizure of vehicles not bearing numbers.

128. If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section 124 or section 125, as the case may be, the commissioner may at any time seize and detain the vehicle and the animal, if any, by which it is drawn:

Provided that no vehicle other than a bicycle, tricycle or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

Procedure after seizure.

129. (1) If a vehicle or animal is detained under section 128 and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon within ten days from the date of seizure, the commissioner may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of —

(i) the tax, if any, due on the vehicle or animal sold;

(ii) such penalty not exceeding the amount of the tax as the commissioner may direct; and

(iii) the charge incurred in connection with the seizure, detention and sale.

(2) If there is a surplus after such payment, the commissioner shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the corporation.

(3) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(i) the tax due thereon;

(ii) such penalty not exceeding the amount of the tax as the commissioner may direct; and

(iii) the charges incurred in connection with the seizure and detention.

Tax on Timber.

130. If the corporation by resolution determines that a tax shall be levied on timber brought into the city, such tax shall be levied at such rates not exceeding five rupees per ton, in such manner as may be determined by the corporation: **Tax on timber.**

Provided that no tax shall be levied on any timber brought into the city in the course of transit to any place outside the city and directly removed out of the city by rail or road.

(2) No timber shall, except in the case referred to in the proviso to sub-section (1), be brought into the city unless the tax due thereon has been paid.

(3) The tax shall be levied on timber kept within the city for sale if the commissioner has reason to believe that the tax, if any, due thereon has not been paid:

Provided that the tax shall not be levied if the person keeping the timber for sale produces satisfactory proof of the previous payment of the tax thereon.

(4) The commissioner may call for the accounts of any person keeping timber for sale for the purpose of levying the tax under sub-section (3).

(5) If the commissioner is satisfied that any person has wilfully evaded the payment of any tax leviable under this section, the commissioner may direct that such person shall, in addition to such tax, pay by way of penalty a sum not exceeding the amount of such tax. Such penalty shall be recoverable in the same manner as the tax.

(6) The corporation may make bye-laws for the seizure and sale of timber in respect of which the tax due is not paid and otherwise for carrying out all or any of the provisions relating to the levy of tax on timber.

Tax on Advertisements.

131. Every person who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding or structure any **Tax on advertisements.**

advertisement or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private, shall pay on every advertisement which is so erected, exhibited, fixed, retained or displayed to public view, a tax calculated at such rates and in such manner and subject to such exemptions, as the corporation may, with the approval of the Government, by resolution determine:

Provided always that the rates shall be subject to the maxima and minima laid down by the Government in this behalf:

Provided also that no tax shall be levied under this section on any advertisement or a notice—

(*a*) of a public meeting, or

(*b*) of an election to any legislative body or the corporation of Bangalore, or

(*c*) of a candidature in respect of such an election:

Provided further that no such tax shall be levied on any advertisement which is not sky-sign and which—

(*a*) is exhibited within the window of any building; or

(*b*) relates to the trade or business carried on within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in the same; or

(*c*) relates to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(*d*) relates to the business of any railway; or

(*e*) is exhibited within any railway station or upon any wall or other property of a railway except any portion of the surface of such wall or property fronting any street.

Explanation 1.—The word 'structure' in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation 2.—The expression 'sky-sign' shall, in this section, mean any advertisement, supported on or attached to any post, pole, standard, framework or other support wholly or in part upon or over any land, building, wall or structure which, or any part of which sky-sign shall be visible against the sky from some point in any public place and includes all and every part of any such post, pole, standard, frame-work or other support. The expression 'sky-sign' shall also include any balloon, parachute or other similar device employed wholly or in part of the purpose of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include—

(*a*) any flag-staff, pole, van or weather-cock, unless adapted or used wholly or in part for the purpose of any advertisement; or

(*b*) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not openwork, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, or against, or on which it is fixed or supported or

(*c*) any advertisement relating to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(*d*) any advertisement relating exclusively to the business of a railway, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway, and so placed that it cannot fall into any street or public place; or

(*e*) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

Explanation 3.—'Public place' shall, for the purpose of this section, mean any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not.

Prohibition of advertisements without written permission of commissioner.

132. No advertisement shall, after the levy of the tax under section 131 has been determined upon by the corporation, be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure within the city or shall be displayed in any manner whatsoever in any place without the written permission of the commissioner.

(2) The commissioner shall not grant such permission if—

(i) the advertisement contravenes any bye-law made by the corporation under clause (31) of section 396; or

(ii) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2), in the case of an advertisement liable to the advertisement tax, the commissioner shall grant permission for the period to which the payment of the tax relates and no fee shall be charged in respect of such permission:

Provided that the provisions of this section shall not apply to any advertisement erected, exhibited, fixed or retained on the premises of a railway company relating to the business of a railway company.

Permission of the commissioner to become void in certain cases.

133. The permission granted under section 132 shall become void in the following cases, namely:—

(*a*) if the advertisement contravenes any bye-law made by the corporation under clause (31) of section 396.

(*b*) if any addition to the advertisement be made except for the purpose of making it secure under the direction of the Corporation Engineer;

(*c*) if any material change be made in the advertisement or any part thereof;

(*d*) if the advertisement or any part thereof falls otherwise than through accident;

(*e*) if any addition or alteration be made to, or in the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained if such addition or alteration involves the disturbance of the advertisement or any part thereof; and

(*f*) if the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained be demolished or destroyed.

Owner or person in occupation to be deemed responsible.

134. Where any advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 131 or section 132 or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

Removal of unauthorised advertisements.

135. If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of section 131 or section 132 or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the commissioner may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon or over which the same is erected, exhibited, fixed or retained to take down or remove such advertisement or may enter any building, land or property and have the advertisement removed.

Collection of tax on advertisements.

135-A. The commissioner may farm out the collection of any tax on advertisements leviable under section 131 for any period not exceeding one year at a time on such terms and conditions as may be provided for by bye-laws made under section 396.

Duty on Transfers of Property.

Method of assessments of duty on transfers of property.

136. The duty on transfers of property shall be levied in in the form of a surcharge on the duty imposed by the Mysore Stamp Act, 1900, on instruments of sale, gift and mortgage with possession of immoveable property situated within the limits of the City which may be executed

after the commencement of this Act at a rate not exceeding two per cent, on, as the case may be, the amount of the consideration, the value of the property, or the amount secured by the mortgage, as set forth in the instrument.

137. On the introduction of the transfer duty—

Provisions applicable on the introduction of transfer duty.

(a) Section 27 of the Mysore Stamp Act, 1900, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the city.

(a) Section 64 of the same Act shall be read as if it referred to the corporation as well as the Government.

138. The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the corporation and the deduction of any expenses incurred by the Government in the collection thereof.

Power to make rules regarding assessment and collection of transfer duty.

General Provisions.

139. With the sanction of the Government, the corporation may exempt any person or class of persons wholly or in part from the payment of any tax. But nothing in this section shall be deemed to authorize the exemption of any person solely on the grounds that he is a councillor or an alderman.

Power to exempt from transfer duty.

140. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this chapter has escaped assessment in any half-year or year, the commissioner may, at any time within three years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereof within fifteen days from the date of such service; and the provisions of this Act and the rules made thereunder shall so far as may be apply as if the assessment was made in the half-year or year to which the tax or fee relates.

Power to assess in case of escape from assessment.

141. The rules and tables embodied in Schedule III shall be read as part of this Chapter.

Rules in Schedule III.

CHAPTER VI.

FINANCE.

The Municipal Fund.

142. All moneys received by the corporation shall constitute a fund which shall be called the municipal fund and shall be applied and disposed of in accordance with the provisions of this Act or other laws, for the time being in force.

Definition of Municipal fund.

Audit of accounts.

143. The Government shall appoint auditors of the accounts of receipt and expenditure of the municipal fund. Such auditors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

Financial rules.

144. With regard to the deposit, investment and expenditure of the municipal fund and the audit of the municipal accounts the rules in Schedule IV shall be observed.

Contributions to expenditure by other local authorities.

145. (1) If the expenditure incurred by the Government or by any local authority in Mysore for any purpose authorised by or under Schedule IV is such as to benefit the inhabitants of the city, the corporation may make a contribution towards such expenditure.

(2) The Government may direct the corporation to show cause, within a period fixed by the Government in this behalf and not being less than one month after receipt of the order containing the direction why any contribution described in sub-section (1) should not be made.

(3) If the corporation fails to show cause within the said period to the satisfaction of the Government, the Government may direct it to make such contribution as they shall name and it shall be paid accordingly.

LOANS.

Power to corporation to borrow money.

146. (1) The corporation may, in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise on the security of all or any of the taxes, duties, fees and dues authorized by or under this Act, any sums of money which may be required—

(*a*) for the construction of works,

(*b*) for the acquisition of lands and buildings, or

(*c*) for slum clearance and construction of tenements,

(*d*) to pay off any debt due to the Government, or

(*e*) to repay a loan previously raised under this Act or other Act or law previously in force :

Provided that—

(i) no loan shall be raised without the previous sanction of the Government, and

(ii) the amount of the loan, the rate of interest and the terms including the date of flotation, the time and method of repayment and the like shall be subject to the approval of the Government.

(2) When any sum of money has been borrowed under sub-section (1)—

(*a*) no portion thereof shall without the previous sanction of the Government be applied to any purpose, other than that for which it was borrowed, and

(*b*) no portion of any sum of money borrowed under clause (*a*) or clause (*c*) of sub-section (1) shall be applied to the payment of salaries or allowances to any municipal officers or

servants other than those exclusively employed upon the works for the construction of which the money was borrowed.

147. The time for the repayment of any money borrowed under section 146 shall in no case exceed sixty years, and the time for the repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the Government, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Time for re-payment of money borrowed under Section 146.

148. Notwithstanding anything hereinbefore contained, the borrowing powers of the corporation shall be limited so that the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter provided, and for interest and repayment of any sums borrowed otherwise shall not, except with the express sanction of the Government, exceed twelve and a half per cent of the annual value of buildings and lands as determined under Chapter V.

Limit of borrowing powers.

149. All debentures issued under this chapter shall be in such form as the corporation, with the previous sanction of the Government, may determine, and shall be transferable in such manner as shall be therein expressed; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

Form and effect of debentures.

150. When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, as in force in Mysore, the debenture or security shall be payable to the survivor or survivors of such persons:

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

Payment to survivors of joint payees.

151. When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the corporation by any other of such persons.

Receipt by joint holder for interest or dividend.

152. (1) The corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay by quarterly instalments into such sinking funds such sum as will be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on debentures issued.

Maintenance and investment of sinking funds.

(2) All money paid into the sinking funds shall, as soon as possible, be invested by the commissioner in—

(*a*) securities of the Government or the Government of India, or

(*b*) securities guaranteed by the Government and shall be invested in the joint names of the (Secretary to the Government, Finance Department and the Comptroller to the Government), to be held by them as trustees for the purpose of repaying at due date the debentures issued by the corporation. Every such investment shall be reported by the commissioner to the corporation within fifteen days.

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner laid down in sub-section (2).

(4) When any part of a sinking fund is invested in municipal debentures, or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

Application of sinking fund.

153. The aforesaid trustees may apply a sinking fund or any part thereof, in or towards the discharge of the loan or part of a loan for which such fund was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose;

Provided that when any loan or parts thereof have been consolidated under section 155, the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

Annual statement by trustees.

154. (1) The aforesaid trustees shall, at the end of every year, submit to the corporation a statement showing—

(*a*) the amount which has been invested during the year under section 152;

(*b*) the date of the last investment made previous to the submission of the statement;

(*c*) the aggregate amount of the securities then in their hands; and

(*d*) the aggregate amount which has up to the date of the statement been applied under section 153 in or towards discharging loans.

(2) Every such statement shall be laid before the corporation and published.

Power of corporation to consolidate loans.

155. (1) Notwithstanding anything to the contrary contained in this chapter, the corporation may consolidate all or any of their loans and for that purpose may invite tenders for a new loan (to be called the "Municipal Consolidated Loan, 19 ") and invite the holders of municipal debentures to exchange their debentures for scrip of such loan.

(2) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted, shall be subject to the prior approval of the Government.

(3) The period for the extinction of any such consolidated loan shall not, without any sanction of the Government, extend beyond the farthest date within which any of the loans to be consolidated would be otherwise repayable.

(4) The corporation shall provide for the repayment of any such consolidated loan by a sinking fund in the manner laid down in section 152 having regard to the amount transferred to such sinking fund under section 153.

156. All payments due from the corporation for interest on and repayment of loans shall be made in priority to all other payments due from the corporation.

Priority of payments or interest and repayment of loans over other payment.

157. (1) If any money borrowed by the corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not repaid according to the conditions of the loan, the Government may attach the municipal fund or any part thereof.

Attachment of Municipal Fund for recovery of money borrowed from Government.

(2) After such attachment, no person except an officer appointed in this behalf by the Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

Budget.

158. The commissioner shall, on or before the fifteenth day of April each year, prepare and submit to the Standing Committee a budget containing a detailed estimate of income and expenditure for the ensuing year, and, if it is in his opinion necessary or expedient to vary taxation or to raise loans shall submit his proposals in regard thereto.

Estimates of expenditure and income to be prepare annually by the commissioner.

159. (1) The Standing Committee on Taxation and Finance shall on or as soon as may be after the fifteenth day of April consider the estimates and proposals of the commissioner and after having obtained the proposals, if any of other standing committees, and such further detailed information, if any, as it shall think fit to require from the commissioner and having

Budget estimate to b prepared by the Standing Committee o Taxation an Finance.

regard to all the requirements of this Act, shall frame therefrom subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate of the income and expenditure of the corporation for the next year.

(2) In such budget estimate, the Standing Committee shall—

(*a*) provide for the payment, as they fall due of all instalments of principal interest and for which the corporation may be liable on account of loans;

(*b*) allow for a cash balance at the end of the year of not less than one lakh and fifty thousand rupees under General Account—Revenue.

(3) The commissioner shall cause the budget estimate, as finally approved by the Standing Committee, to be printed and shall, not later than the fifteenth day of May, forward a printed copy thereof to each councillor.

Consideration of budget estimate by the corporation.

160. At a meeting of the corporation which shall be called for some day in the first week of June, the budget estimate prepared by the standing committee shall be laid before the corporation.

Procedure of Corporation.

161. The corporation may refer the budget estimate back to the standing committee for further consideration and resubmission within a specified time, or adopt the budget estimate or any revised budget estimate submitted to it, either as it stands, or subject to such alteration as it deems expedient: provided that the budget estimate finally adopted by the corporation shall make adequate and suitable provision for each of the matters referred to in clauses (*a*) and (*b*) of section 159, sub-section (2).

Obligation to pass budget before the beginning of the year.

162. The corporation shall finally pass the budget estimate before the beginning of the year to which it relates and forthwith submit a copy thereof to the Government.

Corporation may pass supplemental budget.

163. The corporation may, on the recommendation of the standing committee, from time to time, during any year pass a supplemental budget estimate for the purpose of meeting any special or unforeseen requirements arising during that year, but not so that the estimated cash balance under General Account—Revenue at the close of the year shall be reduced below one lakh and fifty thousand rupees.

eduction or ansfer of dget ants.

164. (1) The standing committee may, if it thinks necessary, at any time during the year—

(*a*) reduce the amount of a budget grant; or

(*b*) transfer and add the amount, or a portion of the amount, of one budget grant to the amount of any other budget grant:

Provided that—

(i) due regard shall be had, when making any such reduction or transfer, to all the requirements of this Act;

(ii) the aggregate sum of the budget grants contained in the budget estimate adopted by the corporation shall not be increased except by the corporation under section 163;

(iii) every such reduction or transfer shall be brought to the notice of the corporation at its next meeting.

(2) If any such reduction or transfer is of an amount exceeding Rs. 500, the corporation may pass with regard thereto such order as it thinks fit, and it shall be incumbent on the standing committee and the commissioner to give effect to the said order.

Re-adjustment of income and expenditure to be made by the Corporation during the course of the official year whenever necessary.

165. (1) If it shall at any time during any year appear to the corporation, upon the representation of the standing committee, that, nothwithstanding any reduction of budget grants that may have been made under section 164, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimate of the said year and to leave at the close of the year a cash balance of not less than one lakh and fifty thousand rupees under General Account—Revenue, it shall be incumbent on the corporation either to diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than one lakh and fifty thousand rupees under General Account—Revenue at the close of the year.

(2) Whenever the corporation determines to have recourse to supplementary taxation in any year, it shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied, subject to the conditions limitations and restrictions laid down in Chapter V.

PART IV.

Public Health, Safety and Convenience.

CHAPTER VII.

WATER SUPPLY, LIGHTING AND DRAINAGE.

Public Water Supply.

166. All public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits, aqueducts and other works (not vested in the Government) connected with the supply of water to the city whether made at the cost of the corporation or otherwise, and all bridges, buildings, engines, works, materials and other things connected therewith and all land (not being private property or property vested in the Government) adjacent and appertaining to the same, shall vest in the corporation and be subject to its control.

Vesting of works in corporation.

167. (1) The corporation may, with the sanction of the Government, construct, lay, or erect filtering tanks, reservoirs, engines, conduits, pipes or other works without the limits of the city for supplying it with water, and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants.

Construction of water works.

(2) The corporation may cause existing works for the supply of water to be maintained and supplied with water or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

168. (1) The corporation shall provide a supply of wholesome drinking water within the city and shall erect sufficient stand-pipes, fountains, or other conveniences for the gratuitous supply of water.

Provision of gratuitous supply of drinking water.

(2) The corporation shall, as far as possible, make adequate provision that such supply is continuous throughout the year.

169. It shall not be lawful for any person except with permission duly obtained to enter on land vested in the corporation along which a conduit or pipe runs or on any premises connected with the water-supply.

Trespass on watr-supply premises.

170. (1) Without the permission of the commissioner no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water-mains.

Prohibition of building over water mains.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed, the commissioner may, with the approval of the standing committee, cause the

same to be removed or otherwise dealt with as to him shall appear fit and the expenses thereby incurred shall be paid by the persons offending.

Private Water-Supply.

Control over house-connections.

171. All house-connections, whether within or without the premises to which they belong, with the corporation's water-supply mains shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which they belong, or for house of which they were constructed, and in conformity with bye-laws made in that behalf.

Private water-supply for domestic consumption and use and powers of commissioner to enforce provision of water-supply.

172. (1) The commissioner may on application by the owner or occupier of any building arrange, in accordance with the bye-laws, to supply water thereto for domestic consumption and use:

Provided that the commissioner shall not without the sanction of the standing committee agree to supply water to any building assessed at an annual value of less than sixty rupees.

(2) Whenever it appears to the commissioner that any dwelling-house assessed at an annual value of not less than sixty rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the commissioner may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the bye-laws.

(3) It shall not be lawful for the owner of any dwelling-house assessed at an annual value of not less than sixty rupees which may be constructed or re-constructed after the commencement of this Act, to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that there is provided within or within a reasonable distance of the house such a supply of wholesome water as appears to the commissioner to be sufficient for domestic consumption and use of the inmates of the house.

(4) Where on any land there are two or more superstructures, the annual value of each of which is less than sixty rupees and the owner of the land is not the owner of all the superstructures, the commissioner may, if it appears to him that the superstructures are without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of any such superstructure, by notice, require the owner of the land to obtain such supply.

(5) For all water supplied under this section, in excess of a maximum determined by regulations of the standing committee, payment shall be made at such times and under such conditions as may be laid down in such regulations and shall be recoverable in the same manner as the water and drainage tax.

Explanation.—Supply of water for domestic consumption and use shall not be deemed to include a supply—

(*a*) for any trade, manufacture or business,

(*b*) for gardens or for purposes of irrigation,

(*c*) for building purposes,

(*d*) for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purpose,

(*e*) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom, or

(*f*) for washing vehicles where they are kept for sale or hire, but shall be deemed to include a supply—

(i) for flushing latrines or drains,

(ii) for all baths other than swimming baths or public baths,

(iii) for the consumption and use of inmates of hotels, boarding houses and residential clubs and for baths used by such inmates, or

(iv) for the consumption and use of persons resorting to theatres and cinemas.

Private Water-supply for non-domestic purposes.

Commissioner's power to supply water for non-domestic purposes at rates fixed by standing committee.

173. (1) The commissioner may, with the sanction of the standing committee supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) For all water supplied under sub-section (1), payment shall be made at such rates and such conditions shall be imposed as may be laid down by the standing committee by general or special order and the amount shall be recoverable in the same manner as the property tax.

Supply in special cases.

Supply to local authorities.

174. The corporation may supply any other local authority whether within or without the city, on such terms as to payment and as to the period and conditions of supply as shall be determined by the corporation, subject to appeal in respect of such terms to the Government whose decision shall be final.

Cost of making the connection, etc.

Cost of making house-connection and of meter.

175. (1) Where an owner or occupier applies for a connection for the supply of water, he shall pay the cost of making such connection as well as the cost of the meter, if any, and the charge for fixing it.

(2) Where a connection for the supply of water is made at the instance of the commissioner, he may require the owner or occupier concerned to pay—

(*a*) the cost of making the connection;

(*b*) the cost of the meter, if any, or such rent in respect hereof as may be fixed by the corporation; and

(*c*) the charge for fixing the meter, if any.

(3) Where at the instance of the commissioner a meter is fixed to any connection for the supply of water, he may require the owner or occupier concerned to pay—

(*a*) the cost of the meter or such rent in respect thereof as may be fixed by the corporation; and

(*b*) the charge for fixing the meter.

(4) All sums payable under sub-section (1), sub-section (2) or sub-section (3) shall be recoverable in the same manner as the water and drainage tax.

(5) Where an occupier has paid the cost of a meter or of fixing the same, he shall, unless the meter has been fixed as part of a connection for which he has applied, be entitled to recover such cost from the owner and may deduct it from the rent then or thereafter due by him to the owner.

Cutting off Water-supply.

Power to cut off water-supply.

176. (1) The commissioner may cut off the supply of corporation water from any premises—

(*a*) if the premises are unoccupied;

(*b*) if a meter is not fixed to the service connection of the premises in accordance with the provisions of the bye-laws made by the corporation under section 396;

(*c*) if the owner or occupier neglects to comply with any lawful order or requisition regarding water-supply issued by the commissioner within the period specified therein;

(*d*) if any water-tax or any sum due for water or for the cost of making a connection or the cost or hire of a meter or the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such tax or sum has been presented;

(*e*) if after receipt of a notice from the commissioner requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of any bye-law made under this Act;

(*f*) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying corporation water;

(*g*) if the occupier refuses to admit the commissioner into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water-supply or prevents the commissioner doing such work, placing or removing such apparatus or making such examination or inquiry;

(*h*) if any pipes, taps, works or fittings connected with the corporation water-supply or found on examination by the commissioner to be out of repair to such an extent as to cause waste or contamination of water;

(*i*) if the owner or occupier causes pipes, taps, works or fittings connected with the corporation water-supply to be placed, removed, repaired or otherwise interfered with in violation of the bye-laws:

Provided that in cases falling under clause (*f*), (*g*), (*h*) or (*i*) the the commissioner shall not take action unless notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(2) (*a*) The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (*d*) of sub-section (1), except water-tax.

(*b*) The sums referred to in clause (*a*) shall be a charge on the premises.

(3) The expense of cutting off the supply shall be paid by the owner and occupier of the premises jointly and severally.

(4) In cases under clause (*d*) of sub-section (1) as soon as any money for non-payment of which water has been cut off, together with the expense of cutting off the supply, has been paid by the owner or occupier, the commissioner shall cause water to be supplied as before on payment of the cost (if any) of re-connecting the premises with the corporation water-works.

(5) No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Non-liability of corporation when supply reduced or, not made in certain cases.

177. The corporation shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water, in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

Lighting

Provision of lighting public street, etc.

178. The commissioner shall take measures for lighting in a suitable manner the public streets and public markets and all places of public resort vested in the corporation by electricity, gas, oil or such other illuminant as the corporation may determine.

Public Drainage.

Vesting of drains in corporation.

179. All public drains, pipes and drainage works existing at the time of the coming into operation of this Act or afterwards made at the cost of the corporation or otherwise, and all works, materials and things appertaining thereto shall vest in the corporation.

Maintenance of system of drainage by the corporation.

180. The corporation shall, so far as the means at their disposal permit, provide and maintain a sufficient system of public drains throughout the city.

Private Drainage.

Control over house drains, privies and cess pools.

181. All house-drains whether within or without the premises to which they belong, and all private latrines and cess-pools within the city shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which the same belong or for the use of which they were constructed and in conformity with bye-laws framed by the corporation in this behalf.

Connection of house-drains with public drains.

182. (1) The commissioner shall, on application by the owner or occupier of any premises or the owner of a private street arrange, in accordance with the bye-laws, for the connection, if practicable, of the applicant's drain with a public drain at the applicant's expense.

(2) If there is a public drain or other place set apart by the corporation for the discharge of drainage within a distance not exceeding one hundred feet of the nearest point on premises, the commissioner may by notice direct the owner of the said premises to construct a drain leading therefrom to drain or place and to execute all such works as may be necessary in accordance with the bye-laws at such owner's expense.

(3) If any premises are in the opinion of the commissioner without sufficient means of effectual drainage, but no part thereof is situated within one hundred feet of a public drain or other place set apart by the corporation for the discharge of drainage, the commissioner may by notice direct the owner of the said premises to construct a closed cess-pool or other sewage disposal plant of such material, dimensions and description in such position and at such level as the commissioner thinks necessary and to construct a drain or drains emptying into such cess-pool and to execute all such works as may be necessary in accordance with the bye-laws.

(4) It shall not be lawful for the owner of any building constructed or re-constructed after the commencement of this Act to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that the said building is provided with such means of drainage as appear to the commissioner to be sufficient.

Commissioner's power to drain premises in combination.

183. (1) When the commissioner is of opinion that any group or block of premises any part of which is situate within one hundred feet of a public drain, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately the commissioner may, with the approval of the standing committee, cause such group or block of premises to be drained by such method as appears to the commissioner to be best suited therefor and the expenses

incurred by the commissioner in so doing shall be paid by the owners in such proportions as the standing committee may think fit and shall be recoverable in the same manner as the property tax.

(2) Not less than fifteen days before any work under this section is commenced, the commissioner shall give written notice to the owners of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and,

(*c*) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises and shall, in the proportion in which it is determined that they are to contribute to the expenses incurred by the commissioner under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

Commissioner's power to close or limit the use of existing private drains.

184. (1) Where a drain connecting any premises with a public drain or other place set apart by the corporation for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the commissioner, adapted to the general drainage system of the city, or of the part of the city in which such drain is situated, the commissioner, with the approval of the standing committee, may—

(*a*) subject to the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose; or

(*b*) direct that such drain shall, from such date as he fixes in this behalf, be used to sewage only, or for water unpolluted with sewage only, and may construct at the cost of the corporation an entirely distinct drain either for water unpolluted with sewage or for sewage.

(2) No drain may be closed, discontinued or destroyed by the commissioner under clause (*a*) of sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid and the expense of the construction of any drain so provided by the commissioner and of any work done shall be paid by the corporation.

Building, etc. not to be erected without permission over drains.

185. (1) Without the permission of the commissioner no person shall place or construct any fence, building, culvert, pipe, drain, drain-covering or other structure or any street, railway or cable over, under, in or across any public drain or stop up, divert, obstruct or in any way interfere with any public drain, whether it passes through public or private ground.

(2) The commissioner may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1)

as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section 440.

Construction of culverts by owner or occupier.

186. (1) The commissioner may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drain coverings over the side channels or ditches at the entrances to the said building or land.

(2) Such culverts or drain-coverings shall be of such form and size and consist of such materials and be provided with such means of ventilation as may be specified in the said notice, and shall be maintained and kept free from all obstruction at the expense of the said owner or occupier

Maintenance of troughs and pipes for catching water.

187. The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the commissioner, put up and henceforward maintain, proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging such water in such manner as the commissioner may allow.

Public Latrines.

Provision of public latrines.

188. The corporation shall provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be kept clean and in proper order.

Licensing of public latrines.

189. (1) The commissioner may license for any period not exceeding one year the provision and maintenance of latrines for public use.

(2) No person shall keep a public latrine without a licence under sub-section (1).

(3) Every licensee of a public latrine shall maintain it clean and in proper order.

Private Latrines.

Provision of latrines by owner or occupier.

190. (1) The commissioner may, by notice, require the owner or occupier of any building, within such time and in accordance with such directions as may be specified therein, to provide flush-out or other latrines for the use of the persons employed in or about or occupying such building or alter or remove from an unsuitable to a more suitable place any existing latrine. Such owner or occupier shall keep every such latrine clean and in proper order.

(2) Every owner or occupier of the ground on which any block of huts stands shall, within such time and in accordance with such directions as may be specified in a notice issued by the commissioner, provide flush-out or other latrines for the use of the inhabitants of such block of huts or alter or remove from an unsuitable to a more suitable place any existing latrine and shall keep the same clean and in proper order.

Provision of latrines and urinals for labourers.

191. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed flush-out

or other latrines of such description and number as the commissioner may by notice require, and within such time as may be fixed in the notice and shall keep the same clean and in proper order.

Provision of latrines and urinals for markets, cartstands, and cattle-stands.

192. The commissioner may by notice require any owner or manager of a market, cart-stand, cattle-stand, choultry, theatre, railway-station, dock, wharf or other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex flush-out or other latrines of such description and number and in such a position as may be specified and to keep the same clean and in proper order.

Latrines to be screened from view.

193. All flush-out or other latrines shall be so constructed as to screen persons using the same from the view of persons passing by or residing in the neighbourhood.

General Powers.

Power to carry wire, pipes, drains etc., through private property subject to causing as little inconvenience as possible and paying for direct damage.

194. The commissioner may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the side of, any land or building in the city, and may place and maintain posts, poles, standards, brackets or other contrivances to support cables, pipes, channels, wires and lights on any pole or post in the city not vested in the Government and under the control of the Government and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same:

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:

Provided further that the commissioner shall, with the sanction of the standing committee, pay compensation to any person who sustains damage by the exercise of such power.

Prohibition against making connection without permission.

195. (1) No person shall, without the permission of the commissioner, make any connection with any municipal cable, wire, pipe, drain or channel or with the house-connection of any other person.

(2) The commissioner may by notice require any connection made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

Power to require railway level, etc., to be raised or lowered.

196. If the corporation conduct any pipe or drain or other work connected with the water-supply or drainage of the city across a line of railway, they may, with the sanction of the Government and at the cost of the municipal fund, require the railway administration concerned to raise or lower the level thereof.

Power of corporation in respect of works outside the city.

197. (1) The corporation shall not undertake new works beyond the limits of the city without the sanction of the Government.

(2) The corporation may, in the execution and for the purposes of any works beyond the limits of the city sanctioned by the Government whether before or after the passing of this Act, exercise all the powers which they may exercise within the city throughout the line of country through which conduits, channels, pipes, lines of posts and wires and the like run, and over any lake or reservoir from which a supply of water for the use of the city is derived, and over all lands at a distance not exceeding one mile beyond the high-water level of any such lake or reservoir, and over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the city.

CHAPTER VIII.

SCAVENGING.

Provision for removal of rubbish and filth.

198. (1) The commissioner shall—

(i) provide or appoint in proper and convenient situations, depots or places for the temporary deposit of rubbish, and filth and for the final disposal of rubbish, filth and carcasses of animals;

(ii) provide dust-bins for the temporary deposit of rubbish:

(iii) provide vehicles or other suitable means for the removal of rubbish and carcasses of animals; and

(iv) provide covered vehicles or vessels for the removal of filth.

(2) The commissioner shall make adequate provision for preventing the depots, places, dust-bins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance

Public notice ordering deposit of rubbish and filth by occupier.

199. (1) The commissioner may with the previous sanction of the standing committee by public notice direct that all rubbish and filth accumulating in any premises in any street or quarter of the city specified in the notice shall be collected by the owner or occupier of such premises, and deposited in a box or basket or other receptacle of the kind specified in such notice to be provided by such owner or occupier and kept at or near the premises.

(2) The commissioner may by public notice direct that all rubbish and filth accumulating in any latrine not connected with a drain and in respect of which no contract under section 201 has been entered into, shall be collected by the owner or occupier and deposited in municipal carts.

(3) The commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter

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in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force,

and may by public notice direct that all rubbish and filth accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle shall be collected by the owner or occupier of such promises and deposited in such receptacle.

Removal of rubbish and filth accumulating in large quantities on premises.

200. When any premises are used for carrying on any manufacture, trade or business or in any way so that rubbish or filth is accumulated in quantities which are, in the opinion of the commissioner, too considerable to be deposited in any of the methods prescribed by a notice issued under section 199, the commissioner may—

(a) by notice require the owner or occupier of such premises to collect all rubbish and filth accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a depot or place provided or appointed under section 198; or

(b) after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulated in such premises to be removed, and charge the said owner or occupier for such removal such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (a).

Contract with owner or occupier for removal of rubbish and filth.

201. The commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time and period of removal and other matters as may seem suitable to the commissioner, and on payment of fees at such rate as the corporation may determine.

Provisions for daily cleaning of streets and removal of rubbish and filth.

202. The commissioner shall provide—

(a) for the daily surface-cleanings of all public streets and the removal of the sweepings therefrom, and

(b) for the removal of—

(i) the contents of all receptacles and depots and the accumulations at all places provided or appointed by him under section 198 for the temporary deposit of any of the things specified therein; and

(ii) all things deposited by owners or occupiers of premises in pursuance of any notice issued under section 199.

Rights of property of corporation in things deposited in receptacles.

203. All things deposited in depots or places provided or appointed under section 198 shall be the property of the corporation.

Directions as to removal of rubbish and filth.

204. In cases not provided for by any notice issued under section 200, the commissioner shall, with the sanction of the standing committee, lay down—

(a) the hours within which rubbish and filth may be removed; and

(b) the kind of cart or other receptacle in which rubbish and filth may be removed, and

(c) the route by which such carts or other receptacles shall be taken.

Maintenance of establishment for removal of rubbish and filth.

205. The corporation shall maintain an establishment under the control of the commissioner for the removal of rubbish and filth from latrines which are not connected with a public drain.

Prohibition against accumulation of rubbish or filth on premises.

206. (1) No person who is bound by any notice issued under section 199 or section 200, as the case may be, to collect and deposit or remove rubbish or filth accumulating on any premises shall allow the same to accumulate for more than twenty-four hours.

Prohibition against irregular methods of depositing rubbish or filth.

(2) No person shall deposit any rubbish or filth otherwise than as provided in a notice issued under section 199 or section 200 as the case may be.

Prohibition of improper disposal of carcasses, rubbish and filth.

(3) No person shall, after due provision has been made under sections 198 and 202 for the deposit and removal of the same—

(a) deposit the carcasses of animals, rubbish or filth in any street or on the verandah of any building or on any unoccupied ground alongside any street or on any public quay, jetty or landing place or on the bank of a water course or tank; or

(b) deposit filth or carcasses of animals in any dust-bin or in any vehicle not intended for the removal of the same; or

(c) deposit rubbish in any vehicle or vessel intended for the removal of filth except for the purpose of deodorizing or disinfecting the filth.

Prohibition against keeping rubbish or filth for more than twenty-four hours or in unauthorized place or manner.

(4) No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours, or otherwise than in a receptacle approved by the commissioner, any rubbish or filth on such premises or any place belonging thereto or neglect to employ proper means to remove the rubbish or filth from or to cleanse such receptacle and to dispose of such rubbish or filth in the manner directed by the commissioner, or fail to comply with any requisition of the commissioner as to the construction, repair, paving or cleaning of any latrine on or belonging to the premises.

Prohibition against allowing sewage to flow in streets.

(5) No owner or occupier shall allow the water of any sink, drain or latrine or the drainage from any stable or place, or any other filth to run down on, or to, or be put upon, any street, or into any drain in or alongside of any street, except in such manner as shall prevent any avoidable nuisance from any such filth soaking into the walls or ground at the side of the said drain.

Contribution from persons having control over places of pilgrimage, etc.

207. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, festivals or other like purposes in the city or in its neighbourhood, attracts on particular occasions, a large number

of persons, the commissioner shall make special arrangements whether permanent or temporary which may be necessary in the interests of public health, safety or convenience and require the trustee or other person having control over such place to make such recurring or non-recurring contribution to the funds of the corporation as the Government may determine.

CHAPTER IX.

STREETS.

Public Streets.

Vesting of public streets and their appartenances in corporation.

208. (1) All public streets in the city not reserved under the control of the Government, with the pavements, stones and other materials thereof and all work materials, implements, and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts whether made at the cost of the municipal fund or otherwise, in, alongside or under any street, whether public or private, and all works, materials, implements and other things appertaining thereto and all trees not being private property growing on public streets or by the side thereof, shall vest in the corporation.

(2) The Government may by notification withdraw any such street, sewer, drain, drainage work, tunnel, culvert or tree from the control of the corporation.

Maintenance and repair of streets.

209. The corporation shall cause the public streets to be maintained and repaired and may make all improvements thereto which are necessary or expedient for the public safety or convenience.

Powers of authorities in regard to streets.

210. (1) The commissioner may, subject always to such sanction as may be required under Chapter IV,—

(*a*) lay out and make new public streets;

(*b*) construct bridges and sub-ways;

(*c*) turn, divert, or with the special sanction of the corporation and the Government, permanently close any public street or part thereof;

(*d*) widen, open, extend or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers, of any land or buildings which are acquired for or affected by any such purposes.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the owner or occupier concerned, from the construction or improvement made by the commissioner.

Power to dispose of permanently closed streets.

211. (1) When any public street is permanently closed under section 210, the corporation may dispose of the site or so

much thereof as is no longer required making due compensation to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, at or about the same time that the public street, on account of which the compensation is paid, is closed.

Acquisition of land and buildings for improvement of streets.

212. (1) The commissioner may, subject always to such sanction as may be required under Chapter IV, acquire—

(*a*) any land required for the purpose of widening, opening, extending or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land;

(*b*) any land outside the proposed street alignment, with the buildings, if any, standing thereupon which the corporation may consider it expedient to acquire.

(2) Any land or building acquired under sub-section (1), clause (*b*), may be sold, leased or otherwise disposed of, after public advertisement, and any conveyance made for that purpose may comprise such conditions as the standing committee thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(3) The standing committee may require any person to whom any land or building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

Power to prescribe building line and street alignment.

213. The standing committee may—

(*a*) prescribe for any public street or a building line or a street alignment or both a building line and a street alignment;

(*b*) from time to time, but subject in each case to its receiving the authority of the corporation in that behalf, define a fresh line in substitution for any line so defined or for any part thereof, provided that such authority shall not be accorded—

(i) unless, at least one month before the meeting of the corporation at which the matter is decided, public notice of the proposal has been given by the commissioner by advertisement in the local newspepers and in the Official Gazette, and also special notice thereof, signed by the commissioner, has been put up in the street or part of the street for which fresh line is proposed to be defined; and

(ii) until the corporation has considered all objections to the said proposal made in writing and delivered at the municipal office not less than three clear days before the day of such meeting.

Restrictions on erection of or addition to buildings within street alignment or building line.

214. (1) No person shall construct any portion of any building within a street alignment defined under section 213 provided, however, that the commissioner may in his discretion permit additions to a building to be made with a street alignment, if such additions merely add to the height and rest upon an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest—

(*a*) not to claim compensation in the event of the commissioner at any time thereafter calling upon him or such successors to remove any building erected or added to in pursuance of such permission or any portion thereof, and

(*b*) to pay the expenses of such removal:

Provided that the commissioner shall, in every case in which he gives permission, report his reasons, in writing to, the standing committee.

If the commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 213 and if such site or the portion thereof which falls within such alignment be not acquired on behalf of the corporation within one year after the date of such refusal, the corporation shall pay reasonable compensation to the owner of the site.

(2) No person shall erect or add to any building between a street alignment and a building line defined under section 213 except with the permission of the commissioner, who may when granting permission impose such conditions as the standing committee may lay down for such cases.

Setting back projecting buildings or walls.

215. (1) When any building or part thereof abutting on a public street is within a street alignment defined under section 213, the commissioner may, whenever it is proposed—

(*a*) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(*b*) to remove, re-construct or make any addition to any portion of such building which is within the street alignment; in the order which he issues concerning the re-building, alteration or repair of such building, require such building to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the commissioner or otherwise, taken down, the commissioner may forthwith take possession on behalf of the corporation of the portion of land within the street alignment thereof occupied by the said building and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the corporation.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the commissioner takes possession of any land under sub-section (2), the corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation:—The expression 'direct damage' as used in sub-section (4) with reference to land means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of site.

Setting forward buildings to improve line of street.

216. The Commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, with the sanction of the standing committee, by notice require any building to be so set forward in the case of reconstruction thereof or of a new construction.

Explanation:—For the purpose of this section a wall separating any premises from a public street shall be deemed to be building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the street alignment if a wall of such material and dimensions as are approved by the commissioner is erected along the said line.

Projected streets.

217. (1) The standing committee may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall ordinarily not be less than forty feet, or in any area covered by huts, twenty feet.

(3) When any plan has been prepared under sub-section (1), the provisions of section 215 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

Temporary closure of streets.

218. The Commissioner may by an order temporarily close any street to traffic for repair, or in order to carry out any works connected with drainage, water-supply or lighting or any of the purposes specified in schedule III.

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

Protection of appurtenances and materials of streets.

219. It shall not be lawful for any person, without the permission of the commissioner, to displace, take up or make up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

220. When by a certificate of an officer of the Government Public Works Department of a rank not below that of an Executive Engineer it appears to the commissioner that having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the corporation in repairing a street by reason of the damage caused by excessive weight passing along the street or extraordinary traffic thereon, or by any process of loading, unloading or depositing excessive weights thereon, the commissioner may recover in the Civil Court, from any person by or in consequence of whose order such damage has been caused, the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by the corporation by reason of the damage arising from such weight or traffic as aforesaid:

Power of the corporation to recover expenses caused by extraordinary traffic.

Provided that any person from whom expenses are or may be recoverable under this section may enter into an agreement with the corporation for the payment to it of a composition in respect of such weight or traffic and thereupon the persons so paying shall not be subjected to any proceedings under this section.

Private Streets.

221. If the owner of any land utilizes, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such cases as the site or sites may abut on an existing public or private street lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

Owner's obligation to make a street when disposing of land as building sites.

222. (1) Any person intending to lay out or make a new private street must send to the commissioner a written application with plans and sections showing the following particulars, namely:—

Making of new private streets.

(*a*) the intended level, direction and width of the street,

(*b*) the street alignment and the building line, and

(*c*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the street.

(2) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1); and all the particulars referred to in that sub-section shall be subject to approval by the standing committee.

(3) Within sixty days after the receipt of any application under sub-section (1) the standing committee shall either sanction the making of street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made or which are in the opinion of the standing committee likely to be made, for carrying out any general scheme of street improvement,

(ii) if the proposed street does not conform to the provisions of the Act, rules and by-laws referred to in sub-section (2), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall lay out or make any new private street without or otherwise than in conformity with the orders of the standing committee. If further information is asked for, no steps shall be taken to lay out or make the street until orders have been passed upon receipt of such information:

Provided that the passing of such orders shall not in any case be delayed for more than sixty days after the standing committee has received all the information which it considers necessary to enable it to deal finally with the said application.

Alteration or demolition of street made in breach of section 222.

223. (1) If any person lays out or makes any street referred to in section 222, without or otherwise than in conformity with the orders of the standing committee, the commissioner may, whether or not the offender be prosecuted under this Act, by notice—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the commissioner on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the commissioner, or if such alteration be impracticable, why such street should not be demolished, or

(*b*) repuire the offender to appear before the commissioner either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the commissioner why such street should not be so altered or demolished, the commissioner may pass an order directing the alteration or demolition of such street.

Power of commissioner to order work to be carried out or to carry it out himself in default.

224. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, or lighted to the satisfaction of the commissioner, he may by notice require the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building to carry out any work which in his opinion may

be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owner referred to in sub-section (1) in such proportions as may be settled by the commissioner.

Right of owners to require streets to be declared public.

225. If any street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of section 224 such street, shall on the requisition of a majority of the owners referred to in sub-section (1) of that section, be declared a public street.

Encroachments on Streets.

Prohibition against obstructions in streets.

226. No one shall build any wall or erect any fence or other obstruction or projection or make any encroachment in or over any street or any public place the control of which is vested in the corporation except as hereinafter provided.

Prohibition and regulation of doors, ground floor, windows and bars opening outwards.

227. (1) No door, gate, bar or ground-floor window shall without a licence from the commissioner be hung or placed so as to open outwards upon any street.

(2) The commissioner may by notice require the owner of such door, gate, bar, or window to alter it so that no part thereof when open shall project over the street.

Removal of encroachments.

228. (1) The commissioner may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar, or ground-floor window) situated against or in front of such premises and in or over any street or any public place the control of which is vested in the corporation.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give him a prescriptive title (or where such period is less than thirty years, for a period of thirty years), or that it was erected with the consent of any municipal authority duly empowered in that behalf, and that the period, if any, for which the consent is valid has not expired, the corporation shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

Power to allow certain projections and erections.

229. (1) The commissioner may grant a licence subject to such conditions and restrictions as he may think fit to the owner or occupier of any premises,

(*a*) to put up or continue to have verandhs, balconies, sun shades, weather-frames and the like, to project over a street, or

(*b*) in streets in which the construction of arcades has been sanctioned by the council to put up or continue to have an arcade, or

(c) to construct any step or drain-covering necessary for access to the premises.

(2) With the concurrence of the Superintendent of Police, the commissioner may grant a licence subject to such conditions and restrictions as he may think fit, for any temporary construction in any street or in any public place the control of which is vested in the corporation.

(3) No licence shall be granted under sub-section (1), if the projection or construction is likely to be injurious to health or cause public inconvenience or otherwise materially interfere or result in material interference with the use of the road as such.

(4) On the expiry of any period for which a licence has been granted under this section or after due communication of an order of suspension or revocation of such licence the commissioner may, without notice, cause any projection or construction put up under sub-section (1) or (2) to be removed, and the cost of so doing shall be recoverable in the manner provided in section 440 from the person to whom the licence was granted.

Precautions during repair of streets.

230. (1) The commissioner shall, so far as is practicable during the construction or repair of any street, drain or premises vested in the corporation,

(a) cause the same to be fenced and guarded,

(b) take proper precautions against accident by shoring up and protecting adjoining buildings, and

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The commissioner shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The commissioner shall, with all reasonable speed, cause the said work to be completed, the ground to be filled in, the said drain, street or premises to be repaired and the rubbish occasioned thereby to be removed.

Prohibition against removal of bars and lights.

231. No person shall without lawful authority remove any bar, chain, post, or shoring timber or remove or extinguish any light set up under section 230.

Making holes and causing obstruction.

233. (1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the commissioner, and complies with such conditions as he may impose.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

(3) If any obstruction is caused in any street by the fall of structures, trees, or the fences, the owner or occupier of the

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premises concerned shall within twelve hours of the occurrence of such fall, or within such further period as the commissioner may by written order allow, clear the street of such obstruction.

233. If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the commissioner in that behalf and shall also— Licence for work on buildings likely to cause obstruction.

(a) cause the said building to be fenced and guarded,

(b) sufficiently light it during the night, and

(c) take proper precautions against accidents during such time as the public safety or convenience requires.

Naming Streets and Numbering Buildings.

234. (1) The corporation shall give names or numbers to new public streets and may, subject to the approval of the Government, alter the name or number of any public street. Naming or numbering of public streets

(2) The commissioner shall cause to be put up or painted in English and on a conspicuous part of some building, wall, or place, at or near each end, corner or entrance of every public street, the name or number by which it is to be known.

(3) No person shall without lawful authority destroy, pull down or deface any such name or number or put up any name or number different from that put up by order of the commissioner.

235. (1) The commissioner may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the enclosure thereof. Numbering of buildings.

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the commissioner may by notice require him to replace it.

CHAPTER X.

Building Regulations.

General Powers.

236. (1) The Government may make rules— Building rules.

(a) for the regulation or restriction of the use of sites for buildings, and

(b) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by sub-section (1), clause (*a*), rules made under that clause may provide—

(*a*) that no insanitary or dangerous site shall be used for building, and

(*b*) that no site shall be used for construction of a building intended for public worship if the construction of the building thereon will wound the religious feelings of any class of persons.

(3) Without prejudice to the generality of the power conferred by sub-section (1), clause (*b*), rules made under that clause may provide for the following matters:—

(*a*) information and plans to be submitted together with applications for permission to build;

(*b*) height of buildings, whether absolute or relative to the width of streets;

(*c*) level and width of foundation, level of lowest floor and stability of structure;

(*d*) number and height of storeys composing a building and height of rooms;

(*e*) provision of sufficient open space, external or internal, and adequate means of ventilation;

(*f*) provision of means of egress in case of fire;

(*g*) provision of secondary means of access for the removal of house refuse;

(*h*) materials and methods of construction of external and party walls, roofs and floors;

(*i*) position, materials and methods of construction of hearths, smoke escapes, chimneys, stair cases, latrines, drains, cesspools;

(*j*) paving of yards;

(*k*) restrictions on the use of inflammable materials in building;

(*l*) in the case of wells, dimensions of the well, the manner of enclosing it, and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.

(4) No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or re-constructed otherwise than in accordance with the provisions of this Act and of any rules or by-laws made thereunder relating to the use of building-sites or the construction or re-construction of buildings.

Power of corporation to regulate nature construction of certain classes of buildings in particular streets or localities.

237. (1) The corporation may give public notice of their intention to declare—

(*a*) that, in any streets or portions of streets specified in the notice,

(i) continuous building will be allowed,

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or re-constructed

shall, in respect of their architectural features, be such as the standing committee may consider suitable to the locality, or

(*b*) that in any localities, specified in the notice, the construction of only detached buildings will be allowed, or

(*c*) that in any streets, portions of streets or localities specified in the notice, the construction of shops, warehouses, factories, huts, or buildings of a specified architectural character or buildings destined for particular uses will not be allowed without the special permission of the standing committee.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The standing committee shall consider all objections received within the said period and may then confirm the declaration, and, before doing so, may modify it, but not so as to extend its effect.

(4) The commissioner shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or re-construct any building in contravention of any such declaration.

Building at corner of streets.

238. (1) The corporation may require any building intended to be erected at the corner of two streets to be rounded off or displayed off to such height and to such extent otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired the corporation shall pay compensation.

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Prohibition against use of inflamable materials for buildings, etc., without permission.

239. (1) No external roof, verandah, pandal or wall of a building and no shed or fence shall be constructed of cloth, grass, leaves, mats or other inflammable materials except with the permission of the commissioner, nor shall any such roof, verandah, pandal, wall, shed or fence constructed or re-constructed in any year be retained in a subsequent year, except with such permission.

(2) Every permission granted under sub-section (1) shall expire at the end of the year for which it is granted.

Buildings other than Huts.

Application to construct or re-construct building.

240. (1) If any person intends to construct or re-construct a building, he shall send to the commissioner—

(*a*) an application in writing for approval of the site, together with a site-plan of the land, and

(b) an application in writing for permission to execute the work together with a ground-plan, elevations and sections of the building and a specification of the work.

Explanation:—'Building' in this sub-section shall include a wall or fence of whatever height bounding or abutting on any public street.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such a manner as may be required under rules or by-laws.

Necessity for prior approval of the site.

241. The commissioner shall not grant permission to construct or re-construct a building unless and until he has approved of the site on an application made under section 240.

Prohibition against commencement of work without permission.

242. The construction or re-construction of a building shall not be begun unless and until the commissioner has granted permission for the execution of the work.

Period within which commissioner is to signify approval or disapproval.

243. Within thirty days after the receipt of any application made under section 240 for approval of a site, or of any information or further information required under rules or by-laws the commissioner shall, by written order, either approve the site or refuse on one or more of the grounds mentioned in section 246 to approve the site.

Period within which commissioner is to grant or refuse to grant permission to execute work.

244. Within thirty days after the receipt of any application made under section 240 for permission to execute any work or of any information or of documents or further information or documents required under rules or by-laws the commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 246 or section 247 to grant it:

Provided that the said period of thirty days shall not begin to run until the site has been approved under section 243.

Reference to standing committee if commissioner delays grant or refusal of approval or permission.

245. (1) If, within the period laid down in section 243 or section 244 as the case may be, the commissioner has neither given nor refused his approval of a building-site, or his permission to execute any work, as the case may be, the standing committee shall be bound, on the written request of the applicant, to determine by written order whether such approval or permission should be given or not.

(2) If the standing committee does not within one month from the receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

246. The only grounds on which approval of a site for the construction or re-construction of a building or permission to construct or re-construct a building may be refused, are the following, namely:— Grounds on which approval of site for, or licence to construct building may be refused.

(1) that the work or the use of the site for the work or any of the particulars comprised in the site-plan, ground-plan, elevations, sections, or specification would contravene some specified provision of any law or some specified order, rule, declaration or by-law made under any law;

(2) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or by-laws;

(3) that any of the documents referred to in section 240 have not been signed as required under rules or by-laws;

(4) that any information or documents required by the Commissioner under the rules or by-laws has or have not been duly furnished;

(5) that streets or roads have not been made as required by section 221;

(6) that the proposed building would be an encroachment upon Government or municipal land;

(7) that the site of such building does not abut on a street or a projected street, and there is not access to such building from any such street by a passage or pathway appertaining to such site and not less than 12 feet wide at any part.

Whenever the commissioner or the standing committee refuses to approve a site for a building, or to grant permission to construct or re-construct a building the reasons for such refusal shall be specially stated in the order.

247. Notwithstanding anything contained in section 246 if any street shown in the site-plan is an intended private street, the commissioner may at his discretion refuse to grant permission to construct a building, until the street is commenced or completed. Special powers for suspending permission to construct buildings.

248. If the construction or re-construction of a building is not commenced within one year after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter. Lapse of permission if not acted upon within one year.

249. The commissioner may inspect any building during the construction or re-construction thereof, or within one month from the date of receipt of the notice given under section 108. Inspection by commissioner.

250. (1) If the commissioner finds that the work— Power of commissioner to require alteration of work.

(a) is otherwise than in accordance with the plans or specifications which have been approved, or

(b) contravenes any of the provisions of this Act or any rule, by-law, order or declaration made under this Act, he

may by notice require the owner of the building within a period stated either—

(*i*) to show cause why such alterations should not be made, or

(*ii*) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans, specifications or provisions.

(2) If the owner does not show cause as aforesaid he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid the commissioner shall by an order cancel the notice issued under subsection (1), or confirm the same subject to such modifications as he may think fit.

Stoppage of work endangering human life.

251. Notwithstanding anything contained in any of the preceding sections the commissioner may at any time stop the construction or re-construction of any building if in his opinion the work in progress endangers human life.

Above provisions not applicable to huts.

252. In sections 240 to 251 the word 'building' does not include a hut.

Wells.

Application of certain sections to wells.

253. The provisions of sections 240, 241, 242, 248, 249, 250 and 251 shall, so far as may be, apply to wells.

Huts.

Application to construct or re-construct huts.

254. (1) Every person who intends to construct or re-construct a hut shall send to the commissioner—

(*a*) an application in writing for permission to execute the work, and

(*b*) a site-plan of the land.

(2) Every such application and a plan shall contain the particulars and be prepared in the manner required under rules or by-laws.

Prohibition against commencement of work without permission.

255. The construction or re-construction of a hut shall not be commenced unless and until the commissioner has granted permission for the execution of the work on an application sent to him under section 254.

Period within which commissioner is to grant or refuse to grant permission to execute the work.

256. Within fourteen days after the receipt of any application made under section 254 for permission to construct or re-construct a hut, or of any information or plan or further information or fresh plan required under rules or by-laws, the commissioner, shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 258 to grant it.

Reference to standing committee if commissioner delays grant or refusal or permission.

257. (1) If within the period laid down in section 256, the commissioner has neither granted nor refused to grant permission to construct or re-construct a hut, the standing committee shall be bound on the written request of the applicant, to determine by written order whether such permission should be granted or not.

(2) If the standing committee does not, within thirty days from the receipt of such written request determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

Grounds on which permission to construct or re-construct hut may be refused.

258. The only grounds on which permission to construct or re-construct a hut may be refused are the following, namely:—

(1) That the work or the use of the site for the work would contravene some specified provision of any law or some specified rule, by-law, order or declaration made under any law;

(2) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or by-laws;

(3) that any information or plan required by the commissioner under rules or by-laws has not been duly furnished;

(4) that streets or roads have not been made as required by section 221;

(5) that the land on which the hut is to be constructed or the street or streets on which such land abuts are not adequately drained, levelled or lighted; or

(6) that the proposed hut would be an encroachment upon Government or municipal land.

Whenever the commissioner or standing committee refuses to grant permission to construct or re-construct a hut, the reasons for such refusal shall be specifically stated in the order.

Lapse of permission if not acted upon within six months.

259. If the construction or re-construction of any hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

External Walls, Alterations and Additions.

Maintenance of external walls in repair.

260. The owner or occupier of any buildings adjoining a street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the commissioner.

Application of provisions to alterations and additions.

261. (1) The provisions of this chapter and of any rules or by-laws made under this Act relating to construction and re-construction of the buildings shall also be applicable to any alteration thereof or addition thereto:

Provided that works of necessary repair which do not affect the position or dimensions of a building or any room therein shall not be deemed an alteration or addition for the purpose of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or room such question shall be referred to the standing committee, whose decision shall be final.

Powers of Commissioner.

Demolition or alteration of buildings or well-work unlawfully commenced, carried on or completed.

262. (1) If the commissioner is satisfied—

(i) that the construction or re-construction of any building or well—

(*a*) has been commenced without obtaining the permission of the commissioner or where an appeal or reference has been made to the standing committee, in contravention of any order passed by the standing committee, or

(*b*) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(*c*) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or by-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

(ii) that any alterations required by any notice issued under section 250 have not been duly made, or

(iii) that any alteration of or addition to any building or any other work made or done for any purpose into, or upon any building, has been commenced or is being carried on or has been completed in breach of section 261,

he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the commissioner, has been unlawfully executed, or make such alterations as may, in the opinion of the commissioner, be necessary to bring the work into conformity with the Act, rules, by-laws, direction or requisition as aforesaid, or with the plans or particulars on which such permission or order was based, and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

(2) The commissioner shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the commissioner, the commissioner may confirm the order, with any modification he may think fit to make and such order shall then be binding on the owner.

Exemptions.

Exemptions.

263. Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, meter-house, summer-house (not being a dwelling-house),

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poultry-house, or aviary, shall be exempted from the provisions of this chapter other than section 239, provided the building be wholly detached from and situated at a distance of at least ten feet from the nearest adjacent building.

CHAPTER XI.

KERIS OR HUTTING GROUNDS.

Preliminary.

264. The standing committee may, subject to the approval of the corporation decide whether any particular area is or not a keri or hutting ground as defined in clause (9) of section 3 and the decision of the standing committee shall, on such approval, be final. The standing committee may also, subject to the approval of the corporation, define the external limits of any keri or hutting ground and from time to time alter such limits.

Power of standing committee to define and alter limits of keris or hutting grounds.

Improvements o Keris or Hutting Grounds.

265. (1) The commissioner may, for sanitary reasons, require the owner or owners of any keri or hutting ground of which the total area as comprised within the limits defined under section 264 is less than four thousand eight hundred square feet—

Power of commissioner to require owner of keri or hutting ground to carry out certain improvements.

(*a*) to open up and construct such passages, not exceeding twelve feet in width, between the building or huts, and to provide such surface drains and latrines for the use of the tenants of the keri or hutting ground, as the commissioner may, think necessary, and

(*b*) to remove the whole or any portion of a hut provided that the owner of the building or hut shall be entitled to receive from the municipal fund such compensation calculated according to the estimated value of the structure removed, as the Commissioner may determine.

(2) When the commissioner proposes to issue a requisition in respect of any keri or hutting ground under sub-section (1), he shall prepare a standard plan showing the proposed improvements, and may then by written notice, call on the owner or owners of the keri or hutting ground to show cause why the keri or hutting ground should not be improved within a date to be fixed in conformity with the said plan.

(3) The provisions of sections 273, 274, 275, 280, 283, 284 and 287 shall with all necessary modifications, be deemed to apply in the case of every requisition issued under sub-section (1).

266. (1) The commissioner may at any time, if it appears to him that any keri or hutting ground, for sanitary reasons, requires improvement, serve a notice upon the owner of such

Power of commissioner to require preparation of

standard plan by owner of keri or hutting ground.

keri or hutting ground requiring him to prepare and submit a plan of the keri or hutting ground to the scale of thirty-three feet to the inch, showing—

(*a*) the manner in which the keri or hutting ground should be laid out, with the building or huts standing in regular lines and with a free passage, in front of and behind each line, or such width as may be necessary for proper ventilation and for scavenging;

(*b*) the drains for the general use of the tenants of the keri or hutting ground;

(*c*) the means of lighting, common water-supply, bathing arrangements, (if any) and common privy accommodation to be provided for the use of the tenants;

(*d*) the streets and passages which are to be maintained for the benefit of the tenants;

(*e*) the tanks, wells and low lands which are to be filled up and the tanks which are to be conserved; and

(*f*) any other proposed improvements:

Provided that when there are two or more owners of a keri or hutting ground the commissioner may require them to prepare and submit a joint plan of the keri or hutting ground.

(2) The streets referred to in clause (*d*) of sub-section (1) shall be not less than sixteen feet wide and ordinarily not more than two hundred feet apart, and the passages referred to in that clause, shall not be less than twelve feet wide.

(3) If there is any masonry building within the keri or hutting ground, the said plan shall be so prepared as clearly to distinguish such building and the land pertaining to it.

(4) The said plan shall be considered by the commissioner who may approve of it without modification or with such modifications as he thinks fit and the said plan as approved by the commissioner shall be deemed to be the standard plan of the keri or hutting ground.

Preparation of standard plan by commissioner where owners disagree, etc.

267. (1) If, after the service of a notice under section 266 on the owner or owners of any keri or hutting ground—

(*a*) such owner or owners prefer for any reason to have a plan prepared for them by the commissioner, or

(*b*) such owner or owners fail to comply within sixty days with such notice, or

(*c*) such owners do not agree among themselves in the preparation of a plan as required by such notice, the commissioner shall cause the keri or hutting ground to be inspected by two persons appointed in that behalf, one of whom shall be the health officer of the corporation or a person holding the diploma of Public Health or such other qualification as may be prescribed by the corporation in this behalf, and the other an engineer, and the commissioner on receipt of their report shall cause a plan to be prepared to the scale and showing the particulars prescribed in the said section.

(2) When a plan has been prepared under sub-section (1), the commissioner shall fix a day for the hearing of objections (if any) made by or on behalf of the owner or owners of the keri or hutting ground and the owners of huts or masonry buildings therein, and after hearing such objections, may in his discretion approve such plan either with or without modifications.

(3) Every plan of a keri or hutting ground approved under sub-section (2) shall be deemed to be the standard plan of the keri or hutting ground.

(4) When the commissioner causes a plan to be prepared under sub-section (1), he may charge the owner or owners of the keri or hutting ground therefor at a rate not exceeding one rupee per two thousand four hundred square feet.

Suspension of building pending preparation of standard plan.

268. When the owner or owners of keri or hutting ground have been required under section 266 to prepare a plan, no new building or hut shall be erected and no addition shall be made to any building or hut within the keri or hutting ground until a plan has been prepared and approved under that section or under section 267.

Prohibition of building contrary to standard plan.

269. When standard plan has been approved for any keri or hutting ground under section 266 or section 267 no new building or hut shall be erected and no addition shall be made to any building or hut in such keri or hutting ground unless the building or hut, or the portion to be added, as the case may be, occupies a site, or portion of a site, marked in standard plan as the site for a building or hut.

Power of commissioner to require removal of building or hut not in conformity with standard plan.

270. (1) When a standard plan has been approved for any keri or hutting ground under section 266 or section 267, the commissioner may, at any time, by notice, require the owner of any building or hut in such keri or hutting ground, which is not in conformity with the standard plan, to remove the whole or any portion of such building or hut.

(2) When a building or hut or portion of a building or hut has been removed in compliance with a requisition made under sub-section (1), the owner thereof shall be entitled to receive from the municipal fund such compensation calculated according to the estimated value of the structure removed, less the value of the materials if the owner elects to take these, as the commissioner may determine.

Power of commissioner to require the carrying out of other improvements in conformity with standard plan

271. (1) The commissioner may at any time, by notice, require the owner or owners of any keri or hutting ground for which a standard plan has been prepared under section 266 or section 267—

(*a*) to construct the drains, privies, streets, and passages, provide the means of lighting, water-supply and common bathing arrangements and carry out the other improvements shown in such plan, so far as may be practicable having regard to the existing arrangement of the huts, and

(*b*) if any tank, well or low land is shown in such plan as to be conserved or filled up, to conserve, or fill up such tank, well or low land.

(2) Until such notice is complied with, the commissioner may refuse to sanction the erection of a new building or hut or the making of any addition to any building or hut in the keri or hutting ground.

Inspection report and preparation of standard plan by registered medical practitioner and engineer, in cases requiring expedition.

272. (1) If it appears to the commissioner that any keri or hutting ground—

(*a*) by reason of the manner in which the buildings or huts are crowded together, or

(*b*) for any other reason,

is in such an unhealthy condition that the procedure provided by the foregoing sections of this Chapter would be too dilatory to meet the emergency, he may, after giving notice to the owner or owners of the keri or hutting ground, cause the keri or hutting ground to be inspected by two persons appointed in that behalf, one of whom shall be the health officer of the corporation or a person holding the diploma of Public Health or having such other qualifications as may be prescribed by the corporation in this behalf, and the other an engineer. In appointing such persons the commissioner shall consider any proposals made by the owner or owners of the keri or hutting ground in this connection.

(2) The said person shall forthwith—

(*a*) submit a written report on the sanitary condition of the keri or hutting ground,

(*b*) annex to the report a plan approved by them as a proper standard plan of such keri or hutting ground, and

(*c*) certify—

(i) which of the improvements required to bring the keri or hutting ground into conformity with such plan should be taken in hand forthwith in consequence of the unhealthy condition of the keri or hutting ground, and

(ii) which (if any) of such improvements should be deferred for action under the foregoing sections of this chapter.

(3) The improvements referred to in sub-clauses (i) and (ii) of clause (*c*) of sub-section (2) shall be specified in two separate schedules which shall be annexed to the report and called Schedule A and Schedule B, respectively.

(4) The said Schedules shall clearly indicate—

(*a*) the buildings or huts which should be removed wholly or in part,

(*b*) the streets, passages and drains which should be constructed,

(*c*) the means of lighting, water-supply, common bathing arrangements and common privy accommodation to be provided for use of the tenants,

(*d*) the tanks, wells and low lands which should be filled up,

(*e*) any other improvements which the two persons appointed under sub-section (1) may consider necessary in order to remove or abate the unhealthy condition of the keri or hutting ground, and

(*f*) any masonry building within the keri or hutting ground, and any land pertaining to such building which it may be necessary to purchase or acquire for the purpose of making such streets or passages or effecting any such improvements.

(5) A report together with the Schedules annexed thereto submitted under this section by any two persons appointed under sub-section (1) shall be sufficient evidence of the result of such inspection.

Approval by standing committee of standard plan and schedules annexed to Report.

273. (1) The standing committee shall consider every report together with the plan and Schedules A and B annexed thereto made under section 272, and after considering the objections (if any) of the owner or owners of the keri or hutting ground in respect of which the report has been made, and of any owner of any hut which is required to be demolished or altered and of the owner of any masonry building which is to be dealt with under sub-section (4) of section 272, may approve such plan and schedules after making such modifications (if any) therein as it may think fit.

(2) The plan so approved shall be deemed to be the standard plan of such keri or hutting ground.

Power of commissioner to require owners to carry out improvements specified in Schedule A.

274. When Schedule A, annexed to a report made under section 272 has been approved under section 273, the commissioner may cause a written notice to be served upon—

(*a*) the owners of the buildings or huts referred to in such Schedule A, or

(*b*) the owner or owners of the keri or hutting ground in which such buildings or huts are situated, requiring them to carry out all or any of the improvements specified in that schedule or any portion of such improvements.

Payment of expenses incurred in carrying out improvements.

275. When any improvements required by a notice under section 274 are carried out by the commissioner under section 433, all expenses incurred thereby, including such reasonable compensation as the commissioner may think fit to pay to the owners or occupiers of buildings or huts removed, shall be paid by the owner or owners of the keri or hutting ground to the corporation and shall constitute a charge upon such keri or hutting ground :

Provided that notwithstanding anything contained in section 437 if it appears to the standing committee that any such owner is unable by reason of poverty, to pay such expenses or any portion thereof, in the case of expenses relating to work which should, in the opinion of the standing committee, have been done by the owners or occupiers of huts within the keri or

hutting ground, it may order the same or any portion thereof to be paid out of the municipal fund, and in the case of expenses which should be paid by the owner or owners of the keri or hutting ground, it may order the same or any portion thereof to be advanced out of the municipal fund, but thereafter to constitute a charge upon such keri or hutting ground.

Disposal by the commissioner of materials of buildings or huts pulled down.

276. (1) If, in carrying out any improvements as provided in section 274 the commissioner causes any building or hut or any portion thereof to be pulled down, he shall—

(*a*) cause the materials of such building, hut or portion to be given to the owner of the building or hut if such owner elects to take them; or

(*b*) if the owner does not elect to take the materials, or if the owner be unknown or the title to the building or hut be disputed, cause such materials to be sold, and hold in deposit the proceeds of the sale, together with any sum awarded as compensation under section 275.

(2) Any amount held in deposit under clause (*b*) of sub-section (1) shall be so held by the corporation until any person obtains an order from a competent court for the payment to him of such amount.

(3) A Court of Small Causes shall be deemed to be a competent court for the purposes of this section.

Power of standing committee to direct commissioner to purchase or acquire building or land in keri or hutting ground.

277. The standing committee may, at any time after the receipt of a report made under section 272, direct the commissioner to purchase or acquire—

(*a*) any building within such keri or hutting ground, or

(*b*) any land appertaining to such building, or

(*c*) any such building, together with the land appertaining thereto or any portion thereof, which is mentioned in that behalf in Schedule A or Schedule B annexed to such reports provided however that it shall be competent for the commissioner to purchase any item of property mentioned above if it does not exceed rupees one thousand in value.

Application of sections 269 to 271 to keri or hutting ground for which standard plan has been approved under section 273.

278. When a standard plan of a keri or hutting ground, and any Schedule B, annexed to the report made under section 272 with respect to that keri or hutting ground, have been approved under section 273—

(*a*) the provisions of sections 269 shall apply to such keri or hutting ground, and

(*b*) the provisions of section 270 and 271 shall apply to such keri or hutting ground in respect of the improvements indicated in that schedule as provided in sub-section (4) of section 272.

Alternative power of commissioner to make standard plan, to purchase

279. (1) Notwithstanding anything contained in sections 273 to 278, the standing committee may, after receipt of a report made under section 272 with respect to any keri or hutting ground, and after giving an opportunity of being heard to the owner or owners thereof, pass a resolution to the effect

that the keri or hutting ground is an unhealthy area and that in its opinion, the purchase or acquisition of the keri or hutting ground, or of any portion thereof, is necessary for the purpose of making the improvements referred to in the said report.

or acquire keri or hutting ground and to carry out improvements himself or through purchaser or lessee.

(2) When any such resolution has been passed, the commissioner shall make a plan for the improvement of the said keri or hutting ground or portion thereof, together with such estimates as may be necessary for a due understanding of the same, and may then purchase or acquire the said keri, hutting ground or portion, and such plan shall be deemed to be the standard plan of the keri or hutting ground.

(3) When any keri or hutting ground or portion of a keri or hutting ground has been so purchased or acquired, the commissioner shall as soon as reasonably practicable, either—

(*a*) sell or lease the same or part thereof to any person for the purpose and under the condition that he will, as regards the land so sold or leased to him, carry out the improvements shown in such standard plan, or

(*b*) himself bring the said keri, hutting ground or portion or ony part of the same which has not been sold or leased under clause (*a*), into conformity with such standard plan, or

(*c*) take measures for the erection of sanitary dwellings for the working classes or for the poorer classes, or for both, on such land.

(4) Whenever the commissioner desires to sell or lease under sub-section (3) any keri or hutting ground or any portion thereof, he shall, on application made on that behalf, give to the person from whom the same was purchased or acquired, or his heirs, executors or administrators, a preferential right to purchase or take on lease such keri, hutting ground or portion at such rates and on such terms and condition as may be fixed by the standing committee, if the standing committee considers that such right can be given without detriment to the carrying out of the purposes of this Act. If more than one person so applies, the standing committee shall determine which of such persons shall have the preferential right under this sub-section to purchase or take on lease such keri or hutting ground or portion.

Proportions of area or keri or hutting ground to be shown in standard plan as streets, passages and open lands.

280. (1) No standard plan approved for a keri or hutting ground under this Chapter shall, without the consent of the owner thereof, show more than—

(*a*) one-third of the whole area of such keri or hutting ground as streets or passages, or

(*b*) one half of such area as open lands not to be built upon, whether such open lands be common ground, streets, passages or spaces behind a line of buildings or huts.

(2) In calculating the said proportions of one-third and one half of any such area, no tank situated therein that has not been filled up shall be taken into account.

Regulation of plots by standard plan and compensation for adjustments of plots.

281. (1) When the land included in a keri or hutting ground is owned by more owners than one, each owning one or more separate plots of such land, the standard plan approved under this Chapter for such keri or hutting ground shall, as far as practicable provide—

(*a*) for one or more buildings or huts being completely contained in each such plot, and

(*b*) for such proportion of each such plot being taken for streets, passages and open land as is specified in section 280.

(2) If a greater proportion of any one such plot than the proportion specified in section 280 is so taken, such standard plan shall indicate—

(i) the compensation which shall be payable to the owner of such plot, and

(ii) the persons who are liable to pay such compensation by reason of their benefiting by such greater proportion having been taken.

(3) If no person can equitably be called upon to pay such compensation the same shall be paid by the corporation.

(4) Any compensation payable under this section to the owner or owners of any land in a keri or hutting ground shall not be paid until such land has been brought into complete conformity with the standard plan.

Streets and passages shown in standard plan if not public streets to remain private.

282. (1) Every street or passage in a keri or hutting ground which is shown in the standard plan approved under this Chapter for that keri or hutting ground and which is not already a public street, shall, unless such street or passage is declared to be a public street under section 225 be deemed to be a private street and the portion thereof which falls on the land of each owner shall belong to such owner:

Provided that any portion of any such street or passage which is situated on land purchased or acquired under section 277 shall remain the property of the corporation.

(2) Every such private street shall, at all times, be kept open for scavenging purposes and for all other purposes of this Act in such manner as the commissioner may require, and shall also be kept open for the use of all the tenants of the keri or hutting ground:

Provided that, notwithstanding anything contained in the Mysore Limitation Act, 1911, no use of any such street shall, by reason of any lapse of time, be held to confer a right of way on the public so as to bring the street within the definition of a public street in clause (30) of section 3.

Bathing arrangements and privy accommodation in keri or hutting ground as shown in standard plan to be kept open for use of tenants.

283. The bathing arrangements and privy accommodation in a keri or hutting ground, which are shown in the standard plan approved under this Chapter for such keri or hutting ground as being common to the use of all or some of the tenants of the keri or hutting ground, shall at all times, be kept available for the use of such tenants:

Provided that, notwithstanding anything contained in the Mysore Limitation Act, 1911, if at any time the land on which any such bathing arrangements or privy accommodation are provided ceases to form part of such keri or hutting ground, no such use shall, by reason of any lapse of time, be held to confer any right on any person so as to affect prejudicially the rights of the owner of such land.

Owner of land on keri or hutting ground to maintain certain conveniences on his land.

284. (1) The owner or owners of any land in a keri or hutting ground, for which a standard plan has been approved under this Chapter, shall maintain in proper order and repair, to the satisfaction of the commissioner such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water supply and other works on the land as may be shown in the plan.

(2) The commissioner may, at any time, cause a notice to be served upon such owner requiring him so to maintain such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water-supply and other works:

Provided that any convenience made by the owner of a building or hut for his own use shall, subject to such notice as aforesaid, be maintained by him and not by the owner of the keri or hutting ground.

(3) If the commissioner is satisfied that any street, passage, drain, bathing arrangements, privy accommodation, means of water supply or other work or any portion thereof, has been damaged by any tenant or tenants of the keri or hutting ground, the commissioner may, if he thinks it desirable to do so, call upon such tenant or any one or more of such tenants by a notice to repair such street, passage, drain, bathing arrangements, privy accommodation, means of water supply or other work or portion thereof.

(4) Notwithstanding anything contained in this section or in section 283, the scavenging of streets and common privies shall be done by the corporation free of charge.

Right of owner of land and owner of building or hut over streets, land and drains shown in standard plan.

285. (1) The owner of any land in a keri or hutting ground, for which a standard plan, has been approved under this Chapter, shall be deemed to be the occupier of—

(*a*) all the streets, passages and common ground,

(*b*) all draining provided for the use of more than one hut, and

(*c*) the common bathing arrangements, common privies and means of lighting the keri or hutting ground

on such land, so far as the same are constructed in accordance with the standard plan.

(2) The owner of any building or hut in such keri or hutting ground shall be deemed to be the occupier of—

(*i*) the land on which such building or hut stands,

(*ii*) the open space behind such building or hut which appertains thereto, and

(*iii*) every drain, privy, means of ighting or water-connection (if any) provided for the sole use of such building or hut.

Keri or hutting ground when to be deemed a remodelled keri or hutting ground.

286. When a keri or hutting ground has been brought into conformity with the standard plan approved under this Chapter for such keri or hutting ground, it shall be deemed to be a remodelled keri or hutting ground.

Power of owner to take land out of the category of keri or hutting ground in certain cases.

287. (1) The owner of any land included in a keri or hutting ground and bearing a separate number in the assessment book may, at any time, whether a standard plan for the keri or hutting ground has been prepared under this Chapter or not, send notice to the commissioner that he intends to remove all the buildings or huts standing on such land:

Provided that the receipt of any such notice by the commissioner shall not be a bar to the approval by the commissioner or the standing committee under this Chapter, of a standard plan for such keri or hutting ground.

(2) From the date of such notice no application shall be entertained for erecting on such land any new building or hut or adding to any building or hut standing on the land.

(3) Such owner shall, within six months after the date of such notice, or within such further time as the commissioner may from time to time allow, remove all buildings or huts standing on such land; and, if he does not do so, the notice shall be deemed to be cancelled.

(4) When all such buildings or huts have been so removed, such land shall, according to its situation either—

(*i*) be altogether excluded from the limits of the keri or hutting ground, or

(*ii*) be shown in a standard plan approved for the keri or hutting ground under this Chapter as not being part of such keri or hutting ground:

Provided that, if in the standard plan any street or passage is shown on such land, the provisions of sections 271, 274, 278, 282, 284 and 285, shall, with all necessary modifications be deemed to apply to such street or passage unless the commissioner otherwise directs.

(5) If, after all the buildings or huts standing on any land have been removed under sub-section (3), any application is received for erecting any building or hut on such land, the commissioner may, by notice, require the owners of the land to carry out such improvements included in the standard plan as he may think fit.

(6) When all the buildings or huts standing on any land within a keri or hutting ground have been removed under sub-section (3) the standing committee may either—

(*a*) cancel the standard plan (if any) already approved, under this Chapter, for such keri or hutting ground, or

(b) modify such plan, after hearing the objection (if any) of any owner of land included in such keri or hutting ground.

(7) Where any land, formerly included in a keri or hutting ground, ceases to be so included, and where any street or passage was shown on such land in the standard plan and where on such land ceasing to be so included the commissioner does not consider it to be practicable or expedient to change the alignment of such street, he shall, in applying the proviso to sub-section (4) to such street, compensate the owner of such land for any area that is included in such street which is in excess of one-seventh of the entire area of the land which ceases to be included in the keri or hutting ground.

KERI OR HUTTING GROUND STREETS.

Power of standing committee to prescribe alignments for keri or hutting ground streets.

288. (1) In any keri or hutting ground, in respect of which a standard plan has not been prepared, or in any area in which it appears to the commissioner that huts are likely to be erected, the standing committee may, after considering the objections, if any, of any owner of land in such keri or hutting ground, or in such area prescribe alignments, not more than sixteen feet in width, for such private streets as it may think fit.

(2) When the land within such keri or hutting ground or area is owned by more owners than one, each owning one or more separate plots of such land, such alignments shall, as far as practicable, be so prescribed as not to occupy, within any such plot, more than one-fourth of the area thereof and shall not ordinarily be less than one hundred feet apart.

(3) If, in any such plot, more than one-fourth of the area thereof is occupied by such alignments, the corporation shall pay such compensation to the owner of the plot as the standing committee may fix as reasonable:

Provided that no compensation shall be paid in respect of any such plot as long as any hut or other structure other than a masonry building is left standing within any such alignment in the plot.

(4) No building or hut or portion thereof shall be erected within any alignment prescribed under sub-section (1).

(5) The provisions of section 282 shall, with all necessary modifications, be deemed to apply to every street the alignment for which has been prescribed under this section.

Power of commissioner to require removal of existing huts within streets or hut alignment in keri or hutting ground.

289. (1) In any keri or hutting ground, at any time after the expiration of seven years from the time when any alignment has been prescribed—

(a) for a street under section 288, or

(b) for buildings or huts,

the commissioner may, by notice, require the owner of the land or the owners or occupiers of existing buildings or huts to remove such buildings or huts or portions thereof as fall—

(i) within any such prescribed street alignment, or

(ii) within six feet on either side of any such prescribed building or hut alignment as the case may be.

(2) When a building or hut has been removed under the provisions of sub-section (1), the corporation shall pay to the owner thereof such compensation as the standing committee may consider to be reasonable, but such compensation shall in no case exceed the value of the building or hut less the value of the materials thereof.

Power to commissioner to require space to be kept between masonry building in keri or hutting ground and centre line of keri or hutting ground street.

290. Any person who erects a masonry building —

(a) in any keri or hutting ground in respect of which a standard plan has been approved under sections 266, 267 or 273, or

(b) in any keri or hutting ground or area in respect of which alignments for streets have been prescribed under Section 288,

shall, if so required by notice issued by the commissioner, leave a clear space of fifteen feet between the centre line of any street or passage shown in such plan, or of any street the alignment for which has been so prescribed, as the case may be, and the nearest part of such building.

Application of provisions of this Chapter to alterations or additions.

291. (1) The provisions of this Chapter and of any rules or bye-laws made under this Act in so far as they relate to construction and reconstruction of buildings or huts in keris or hutting grounds shall also be applicable to any alteration of or addition to such buildings or huts:

Provided that works of necessary repair which do not affect the position or dimensions of a building or hut or any room therein shall not be deemed to be an alteration or addition for purposes of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building, hut or room, such question shall be referred to the standing committee whose decision shall be final.

CHAPTER XII.

NUISANCES.

Dangerous Structures, Trees and Places.

Precautions in case of dangerous structures.

292. (1) If any structure be deemed by the commissioner to be in ruinous state or dangerous to passers-by or to the occupiers of neighbouring structures, the commissioner may, by notice, require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary the commissioner may himself before giving such notice or before the period of

notice expires fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in section 440.

(3) If in the commissioner's opinion the said structure is imminently dangerous to the inmate thereof, the commissioner shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.

Precautions in case of dangerous trees.

293. (1) If any tree or any branch of a tree or the fruit of any tree be deemed by the commissioner to be likely to fall and thereby to endanger any person or any structure, the commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary, the commissioner may himself before giving such notice or before the period of notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or to take such temporary measures, as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 440.

Precautions in case of dangerous tanks, wells, holes, etc.

294. (1) If any tank, pond, well, hole, stream, dam, bank or other place be deemed by the commissioner to be for want of sufficient repair, protection or enclosure, dangerous to the passers-by, or to persons living in the neighbourhood, the commissioner may by notice require to the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary the commissioner may himself, before giving such notice or before the period of notice expires, take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section 440.

Precaution against fire.

295. (1) The commissioner may by notice require the owner of any structure, booth or tent partly or entirely composed of, or having any external roof, verandah, pendal, fence or wall partly or entirely composed of cloth, grass, leaves, mats or other inflammable materials to remove or alter such structure, booth, tent, roof, verandah, pendal, fence or wall, or may grant him permission to retain the same on such conditions as the commissioner may think necessary to prevent danger from fire.

(2) The commissioner may by notice require any person using any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against danger from fire.

(3) Where the commissioner is of opinion that the means of egress from any structure are insufficient to allow of safe exit in the event of fire, he may within the sanction of the

standing committee by notice require the owner or occupier of the structure to alter or re-construct any staircase in such manner or to provide such additional or emergency staircases as he may direct; and when any structure, booth or tent is used for purposes of public entertainment, he may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits, and that the gangways, passage and staircases leading to the exits shall, during presence of the public, be kept clear of obstructions.

Control over Water, etc.

Prohibition of construction of wells, tanks, etc., without the commissioner's permission.

296. (1) No new well, tank, pond, cistern, fountain, or the like shall be dug or constructed without the permission of the commissioner.

(2) The commissioner may grant permission, with or without conditions, or may refuse it.

(3) If any such work is begun or completed without such permission, the commissioner may either—

(*a*) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the commissioner shall direct, or

(*b*) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

Power to stop dangerous quarrying.

297. If, in the opinion of the commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the commissioner, may, with the approval of the standing committee, by notice, require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Power to order filling in pools, etc., which are a nuisance and regulation of agriculture within the city.

298. (1) If in the opinion of the commissioner—

(*a*) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cess-pool, pit, water-course, or any collection of water, or

(*b*) any land on which water may at any time accumulate, is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance, the commissioner may, by notice, require the owner or person having control thereof to fill up, cover over, weed, stock with larvicidal fish, treat with kerosine oil, drain or drain off the same in such manner and with such materials as the commissioner shall direct, or to take such order

with the same for removing or abating the nuisance as the commissioner shall direct.

(2) If a person on whom a requisition is made under sub-section (1) to fill up, cover over or drain off a well, delivers to the commissioner, within the time fixed for compliance therewith, written objections to such requisition, the commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the standing committee, but the commissioner may, nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 433 and pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over, or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes and in every such case the commissioner shall determine, with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by the owner or by the commissioner out of the municipal fund or shall be shared and, if so, in what proportions.

(3) On the report of the health officer that the cultivation of any specified crop, or the use of any specified manure, or the irrigation of land in any place within the limits of the city is injurious to the public health, the corporation may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation, or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by such prohibition.

Power to order cleansing of insanitary private water course, spring, tank, well, etc., used for drinking.

299. (1) The commissioner may by notice require the owner of or person having control over any private water-course, spring, tank, well or other place the water of which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it in such manner as the commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.

(2) If the water of any private tank, well, or other place which is used for drinking, bathing or washing clothes, as the case may be is proved to the satisfaction of the commissioner to be unfit for that purpose, the commissioner may by notice require the owner or person having control thereof to—

(*a*) refrain from using or permitting the use of such water, or

(b) close or fill up such place or enclose it with a substantial wall or fence.

Duty of commissioner in respect of public well or receptacle of stagnant water.

300. If it appears to the commissioner, that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained or filled up.

Prohibition against contaminating water-supply.

301. It shall not be lawful for any person to—

(a) bathe in any tank, reservoir, conduit, fountain, well or other place set apart by the corporation, or by the owner thereof, for drinking purposes;

(b) wash or cause any animal or thing to be washed in any such place;

(c) throw, put or cause to enter into the water in any such place, any animal, or thing whereby the water may be fouled or corrupted; or

(d) cause or suffer to drain into or upon any such place, or cause or suffer anything, to be brought thereunto or do anything, whereby the water may be fouled or corrupted.

Control over Abandoned Lands, Untrimmed Hedges, etc.

Untenanted buildings or lands.

302. If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted and thereby becomes a resort of idle and disorderly persons or in the opinion of the commissioner becomes a nuisance, the commissioner may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

Removal of filth or noxious vegetation.

303. The commissioner may by notice require the owner or occupier of any building or land (which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood), to cleanse, clear or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth within twenty-four hours or such longer period and in such manner as may be specified in the notice.

Abatement of nuisance from dust, smoke, etc.

304. If in the opinion of the commissioner the storage, dumping or deposit in any building or land of coal, charcoal, ashes, cinders, gunny bags, wool, cotton, or any material, or the sifting, breaking, cutting or burning of such coal, charcoal, ashes cinders or material or subjecting the same to any process causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell or noise or otherwise, he may, by notice, require the owner or occupier of such building or land to take such steps as may be specified in the notice for the abatement of such nuisance.

305. The commissioner may by notice require the owner or occupier of any building or land near a public street to— Fencing of buildings or lands and pruning of hedges and trees.

(*a*) fence the same to the satisfaction of the commissioner; or

(*b*) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the commissioner may determine; or

(*c*) cut and trim any hedges and trees overhanging the said street and obstructing it or the view of traffic or causing it damage; or

(*d*) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

Control over Insanitary Buildings.

306. The commissioner if it appears to him necessary for sanitary purposes so to do may by notice require the owner or occupier of any building to limewash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order. Limewashing and cleansing buildings.

307. (1) Whenever the commissioner considers— Further powers with reference to insanitary buildings.

(*a*) that any building or portion thereof is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or

(*b*) that a block or group of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid, he may by notice require the owners or occupiers of such buildings or portions of buildings or at his option, the owners of the land occupied by such buildings or portions of buildings, to execute, such works or to take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, in which cases the corporation shall make reasonable compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in such proportion to the increased value acquired by their respective buildings as may be determined by the commissioner.

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(4) When any building is so far demolished under this section as to require reconstruction, allowance shall be made, in determining the compensation, for the benefit accruing to the premises from the improvement thereof.

Buildings unfit for human habitation.

308. (1) If any building, or portion thereof, intended for or used as a dwelling-place appears to the commissioner to be unfit for human habitation, he may apply to the standing committee to prohibit the further use of such building for such purpose, and the standing committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the commissioner shall communicate the purport thereof to the owner and occupiers of the building and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier shall use or suffer it to be used for human habitation until the commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the standing committee withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months, the commissioner shall report the case to the standing committee which shall thereupon consider whether the building should not be demolished. The standing committee shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the standing committee is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood, it shall record a decision to that effect, with the grounds of the decision, and the commissioner shall, in pursuance of the said decision by notice, require the owner to demolish the building.

(5) If the owner undertakes to execute forthwith the works necessary to render the building fit for human habitation and the commissioner considers that it can be so made fit, the commissioner may postpone the execution of the decision of the standing committee, for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

Abatement of crowding in dwelling-house or dwelling place.

309. (1) If it appears to the commissioner that any dwelling-house or other building which is used as a dwelling-place, or any room in any such dwelling-house or building, is so overcrowded as to endanger the health of the inmates thereof, he may apply to a magistrate, to abate such overcrowding ; and the

magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within a reasonable time, not exceeding four weeks, to be laid down in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The standing committee may declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for such occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other inmate of a building or room, to vacate on being required by the owner so to do in obedience to any requisition made under sub-section (1).

General.

Power of commissioner to use or sell materials of dangerous building taken down, etc.

310. (1) When the commissioner takes down any building part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this Chapter or under section 433, the commissioner may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made such surplus shall be forfeited to the corporation.

(2) If after reasonable inquiry it appears to the commissioner that there is no owner or occupier to whom notice can be given under any section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by selling such property (not being land) or any portion thereof.

Limitation of compensation.

311. No person shall be entitled save as provided in sections 298 and 307 to compensation for any damages sustained by reason of any action taken by a municipal authority in pursuance of its powers under this Chapter.

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CHAPTER XIII.

LICENCES AND FEES.

General Provision as to Licences.

Exemption of Government from taking out licences.

312. Nothing in this Chapter shall be construed as requiring the Government to take out a licence in respect of any place in the occupation or under the control of His Highness the Maharaja or the Government or in respect of any property belonging to His Highness the Maharaja or the Government.

Lodging Houses.

Prohibition in respect of lodging houses.

313. (1) No person shall without or otherwise than in conformity with the terms of a licence granted by the commissioner in this behalf, keep any lodging house, eating-house, tea-shop, coffee-house, cafe, restaurant, refreshment room, or any place, where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale.

Explanation.—Lodging house means a hotel, boarding house, choultry, or rest-house other than a choultry or rest-house maintained by the Government or a local authority, or any place where casual visitors are received and provided with sleeping accommodation with or without food on payment but does not include a students' hostel under public or recognized control.

(2) The commissioner may at any time cancel or suspend any licence granted under sub-section (1) if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisions of any bye-law made under Section 396 relating to such premises whether or not the licensee is prosecuted under this Act.

Keeping of Animals and Birds.

Prohibition in respect of keeping animals and birds and feeding animals.

314. No person shall—

(*a*) without the permission of the commissioner, or otherwise than in conformity with the terms of such permission, keep pigs in any part of the city;

(*b*) keep any animal or bird on his premises so as to be a nuisance or so as to be dangerous; or

(*c*) feed or permit to be fed on filth any animal, which is kept for dairy purposes or may be used for food.

Destruction of stray pigs and dogs.

315. If any dogs not taxed under section 118 or pigs, are found straying, the same may be summarily destroyed by any person authorized in that behalf in writing by the commissioner.

Licences for places in which animals are kept.

316. (1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard or other place in which quadrupeds are kept or taken in for purposes of profit, shall, in the first

month of every year or, in the case of a place to be newly opened, within one month before the opening of such place, apply to the commissioner for a licence.

(2) The commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence:

Provided that this section shall not apply to any place licensed as a place of public entertainment or resort under the Places of Public Resort Act, 1888, as in force in the retroceded area.

(3) No person shall, without or otherwise than in conformity with a licence use any place or allow any place to be used for any such purpose.

General powers of control over stables, cattle-sheds and cow-houses

317. (1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the commissioner as regards their site, construction, material and dimensions.

(2) The commissioner may by notice require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned or be supplied with water, or be connected with a sewer or be demolished.

(3) Every such notice shall be addressed to the owner or person having control of the stable, cattle-shed or cow-house.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the owner.

Power to direct discontinuance of use of building as a stable, cattle-shed or cow-house.

318. If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Act, the commissioner may by notice direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

Halting Places, Cart-stands, etc.

Provision of halting places, cart-stands, etc.

319. (1) The commissioner may construct or provide public halting places, cart-stands, cattle-sheds and cow-houses and may charge and levy such fees for the use of the same as the standing committee may fix.

Explanation.—A cart-stand shall, for the purposes of this Act, include a stand for carriages including motor vehicles within the meaning of the Mysore Motor Vehicles and Road Traffic Act, 1944, and animals.

(2) A statement of the fees fixed by the standing committee for the use of each such place, shall be put up in English and Kannada in a conspicuous part thereof.

(3) The commissioner may farm out the collection of such fees for any period not exceeding three years at a time, on such terms and conditions as he may think fit.

Prohibition of use of public place or sides of public street as cart-stand, etc.

320. Where the commissioner has provided a public halting place, cart-stand, cattle-shed or cow-house, he may prohibit the use for the same purpose by any person within such distance thereof as may be determined by the standing committee of any public place or the sides of any public street.

Recovery of cart-stand fees, etc.

321. (1) If the fee leviable under sub-section (1) of section 319 is not paid on demand, the person appointed to collect such fee may seize and detain such portion of the appurtenances or load of such cart, carriage, motor vehicle, or animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the cart, carriage, motor vehicle, or animal.

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the commissioner or to such person as he may have authorised to receive and sell such property and the commissioner shall forthwith give notice to the owner of the property seized or if the owner is not known or is not resident within the city, to the person who was in charge of such property at the time when it was seized or if such person is not found, give public notice that after the expiry of two days, exclusive of Sunday, from the date of service or publication of such notice, the property will be sold in auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the amount due on account of the fee, together with the expenses incurred in connection with the seizure, detention and proposed sale is tendered to the commissioner or other person authorised as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property or a sufficient portion thereof may be sold and the proceeds of the sale applied to the payment of—

(*i*) the amount due on account of the fee;

(*ii*) such penalty not exceeding the amount of the fee as the commissioner may direct; and

(*iii*) the expenses incurred in connection with the seizure, detention and sale.

(5) If, after making the payments referred to in sub-section (4) there is any surplus sale proceeds or any property remaining unsold, the same shall be paid or delivered to the owner or other person entitled thereto.

Licence for private cart-stand.

322. (1) No person shall open a new private cart-stand or continue to keep open a private cart-stand unless he obtains from the commissioner a licence to do so.

(2) Applications for such licence shall be made by the owner of the place in respect of which the licence is sought not less than thirty days before such place is opened as a cart-stand or not less than thirty days before the commencement of the year for which the licence is sought to be renewed, as the case may be.

(3) The commissioner shall, as regards private cart-stands already lawfully established and may, at his discretion, as regards new private cart-stands, grant the licence applied for, subject to such regulations as to supervision and inspection and to such conditions as to conservancy as he may think proper, or he may refuse to grant any such licence for any new private cart-stand. The commissioner may, at any time for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The commissioner may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled, or modified under this section, the commissioner shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English and Kannada, to be posted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) The commissioner may levy for every licence granted under this section a fee not exceeding six hundred rupees per annum :

Provided that no fee shall be levied in respect of a licence for a cart-stand for the use of which no charge is made.

(6) Every licence granted under this section shall expire at the end of the year for which it is granted.

Carcasses of Animals.

Removal of carcasses of animals.

323. (1) The occupier of any premises in or on which any animal shall die or on which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night within three hours after sunrise, either—

(*a*) remove the carcass of such animal to such receptacle, depot or place as may be appointed by the commissioner in that behalf, or

(*b*) report the death of the animal to an officer of the health department of the division of the city in which the death occurred, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal, of such amount as shall be fixed by the commissioner, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge the animal died.

Industries and Factories.

Purposes for which places within the limits of the City or within

324. (1) No place within the limits of the city shall be used for any of the purposes mentioned in Schedule V without a licence obtained from the commissioner and except in accordance with the conditions specified therein.

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three miles thereof may not be used without licence and payment of proportionate tax to local body concerned in the latter case.

(2) The commissioner shall, if so required by the corporation, publish a notification in the official Gazette and in two or more local newspapers that any place at a distance within three miles of the limits of the city shall not be used for any one or more of the purposes mentioned in Schedule V without a licence obtained from the commissioner and except in accordance with the conditions specified therein:

Provided that no such notification shall take effect—

(*a*) unless the sanction of the Government has been obtained therefor, and

(*b*) until the expiry of thirty days from the date of its publication in the official Gazette.

(3) The owner or occupier of every place for the use of which for any purpose a licence is required under sub-section (1) or sub-section (2) shall apply to the commissioner for such licence not less than thirty days before the place is used for such purpose or within thirty days of the publication of the notification under sub-section (2) in the official Gazette, as the case may be.

(4) Every application for a licence for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and measurements of such place.

(5) The commissioner may grant such licence subject to such restrictions and regulations as may be specified by him therein or he may refuse to grant such licence.

(6) Every such licence shall expire at the end of the year for which it is granted, or at such earlier date as the commissioner may, for special reasons, specify in the licence.

(7) Applications for renewal of such licences shall be made not less than thirty days before the commencement of the year for which the renewal is sought.

(8) Where a licence is granted under this section for the use of any place outside the limits of the city, the corporation shall pay to the municipal council or local authority within the limits of which such place is situated, such proportion of the fee received by the corporation for the grant or renewal of such licence as the Government may, by general or special order, determine.

Application to be made for construction, establishment or installation of factory, workshop or work-place in which steam or other power is to be employed.

325. (1) Every person intending to construct or establish any factory, workshop or work-place in which it is proposed to employ steam-power as aforesaid shall before beginning such construction, establishment or installation make an application in writing to the commissioner for permission to undertake the intended work.

(2) The application shall specify the maximum number of workers proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises and shall be accompanied by—

(*a*) a plan of the factory, workshop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by the Government; and

(*b*) such particulars as to the power, machinery plant or premises as the corporation may require by bye-laws made in this behalf.

(3) The commissioner shall, as soon as may be after the receipt of the application—

(*a*) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, or

(*b*) refuse permission if he is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or is likely to cause nuisance.

(4) Before granting permission under sub-section (3) the commissioner—

(*a*) shall, if more than nine workers are proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises, obtain the approval of the inspector of factories appointed under the Mysore Factories Act, 1936, having jurisdiction of the city or if there is more than one such inspector, of the inspector designated by the Government in this behalf by general or special order, as regards the plan of the factory, workshop, work-place or premises with reference to—

(i) the adequacy of the provision for ventilation and light,

(ii) the sufficiency of the height and dimensions of the rooms and doors,

(iii) the suitability of the exits to be used in case of fire, and

(iv) such other matters as may be prescribed by rules made by the Government, and

(*b*) shall consult and have due regard to the opinion of the health officer as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.

(5) All chimneys in connection with any such factory, workshop or work-place or any such machinery or manufacturing plant shall be of such height and dimensions as the commissioner may determine.

(6) More than nine workers shall not be simultaneously employed at any time in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section (3) authorizes such employment or unless fresh permission authorising such employment has been obtained from the commissioner. Before granting such fresh permission, the commissioner shall obtain the approval of the inspector of factories, referred to in clause (*a*) of sub-section (4), as regards the plan of the factory, workshop, work-place or premises, with reference to the matters specified in that clause.

(7) The grant of permission under this section shall not be deemed to dispense with the necessity for compliance with

the provisions of sections 240 and 242 or sections 254 and 255 as the case may be

Explanation.—The word "worker" in sub-sections (2), (4) and (6) shall, in relation to any factory, workshop, work-place or premises, have the same meaning as in the Mysore Factories Act, 1936.

Commissioner may issue directions for abatement of nuisance caused by steam or other power.

326. (1) If, in any factory, workshop or work-place in which steam-power, water-power or other mechanical power or electric power is used, nuisance is in the opinion of the commissioner caused by the particular kind of fuel used or by the noise or vibration created, he may issue such directions as he thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the commissioner may—

(*a*) prohibit the use of the particular kind of fuel; or

(*b*) prohibit the working of the factory, workshop or work-place altogether until such directions have been carried out or between the hours of 6 p.m. and 6 a.m. or during any particular time or times between such hours.

Power of commissioner to require owner of factory, workshop, etc., to put up and maintain the factory, workshop, etc., in a cleanly state.

327. Whenever it shall appear to the commissioner that any factory, workshop, work-place or any building or place in which steam, water, or other mechanical power or electric power is used, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless as far as practicable any gas, vapour, dust or other impurity generated in the course of the work carried on therein which in the opinion of the commissioner is a nuisance or is so over-crowded while work is carried on as to be dangerous or injurious in the opinion of the commissioner to the health of the persons employed therein, or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the commissioner may by written notice require the owner of such factory, workshop, work-place or other building or place to take such order as he thinks fit for putting and maintaining the said factory, workshop, work-place or other building or place in a cleanly state or for ventilating the same or for preventing the same from being overcrowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein.

Explanation.—Nothing in this section shall be deemed to affect any of the provisions of the Steam Boilers' and Prime Movers' Act, 1920, or to authorise the commissioner to issue any order relating to the fixing or fencing of any engine, mill-gearing, hoist or other machinery in any factory to which the provisions of the Mysore Factories Act, 1936, are applicable.

328. Whenever it shall appear to the commissioner that any factory, workshop or work-place or any building or any place in which steam, water or other mechanical or electric power is employed, is or is likely to become by reason of the employment of such power or by noise or by any gas, vapour, smoke, vibration, dust or other impurity generated in the course of the work carried on in such place or by any other cause, a nuisance or danger to the life, health or property of persons in the neighbourhood he may by written notice require the owner or occupier of such factory, workshop, work-place, building or place to discontinue the use of such factory or place for any of the purposes that may be specified in such notice.

Power of commissioner to require owner or occupier of factory, etc., to discontinue the use of such factory.

329. (1) The commissioner or any person authorised by him in this behalf may enter any factory, workshop or work-place—

(*a*) at any time between sunrise and sunset,

(*b*) at any time when any industry is being carried on, and

(*c*) at any time by day or night if he has reason to believe that any offence is being committed against sections 325, 326, 327 or 328.

Commissioner may enter any factory, workshop or work-place.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of the force necessary for the purpose of effecting an entrance under this section.

330. The Government may either generally or in any particular case make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under sections 325, 326, 327 or 328.

Power of Government to pass orders or give directions to commissioner.

Washing and Bathing.

331. The corporation shall set apart places for use by the public for bathing purposes and for washing animals.

Provision of places for bathing and for washing animals.

332. (1) The commissioner may construct or provide and maintain public bathing-houses, public wash-houses or places for the washing of clothes, and may charge and levy such rents and fees for the use of any such bathing-house, wash-house or place as the standing committee may determine. Such rents and fees shall be recoverable in the same manner as the property tax.

Provision of public bathing houses, wash-houses, etc.

(2) The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the commissioner may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

(4) In public wash-houses, the clothes of persons suffering from infectious diseases and of persons residing in the premises occupied by the persons suffering from such diseases shall be

washed separately in a separate block wherever set apart for the purpose and shall be washed by such methods as the commissioner may lay down in that behalf.

Prohibition against washing by washermen at unauthorised places.

333. (1) The commissioner may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, either within the city or outside the city within three miles of the boundary thereof, except at—

(*a*) public wash-houses or places maintained or provided under section 332; or

(*b*) such other places as he may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes, except for himself, or for personal and family service or for hire on and within the premises of the hirer, at any place within or without municipal limits other than a public wash-house or place maintained or appointed under this Act:

Provided that this section shall apply only to clothes washed within or to be brought within the city.

Slaughter-houses.

Provision of municipal slaughter-houses.

334. (1) The corporation shall provide a sufficient number of places for use as municipal slaughter-houses and the commissioner may charge and levy such rents and fees for their use as the standing committee may determine. Such rents and fees shall be recoverable in the same manner as the property tax.

(2) The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) Municipal slaughter-houses may be situated within or with the sanction of the Government, without the city.

Licence for slaughter-houses.

335. (1) The owner of any place within the limits of the city or at a distance within three miles of such limits which is used as a slaughter house for the slaughtering of animals or for the skinning or cutting up of carcasses shall, not less than thirty days before the commencement of the year for which the licence is sought or in the case of a place to be newly opened, not less than one month before the opening of the same, apply to the commissioner for a licence:

Provided that this sub-section shall not take effect in any area outside the limits of the city except with the previous sanction of the Government.

Slaughter of animals during festivals and ceremonies.

336. The commissioner may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure.

Slaughter of animals for sale or food.

337. No person shall slaughter within the city except in a municipal or licensed slaughter-house any cattle, horse, sheep, goat or pig for sale or food or skin or cut up any carcass without

or otherwise than in conformity with a licence from the commissioner, or dry or permit to be dried any skin in such a manner as to cause a nuisance.

338. The commissioner may authorise any person to slaughter without licence and without the payment of any fee any animal for the purpose of a religious ceremony. Slaughter of animals for religious ceremony.

The Milk Trade.

339. (1) No person shall without or otherwise than in conformity with a licence from the commissioner— Regulation of Milk Trade.

(*a*) carry on or be employed in the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce within the city;

(*b*) use any place in the city for the sale of milk or dairy produce:

Provided that no such licence shall be given to any person who is suffering from a dangerous disease:

Provided further that such licence shall be deemed to have been suspended while the person to whom it is granted is suffering from a dangerous disease.

(2) Such licence may be refused or may be granted either unconditionally or on such conditions as the commissioner may deem necessary. Such conditions may relate to the construction, ventilation, conservancy, supervision and inspection of the premises whether within or without the limits of the city where the animals from which the milk supply is derived are kept.

Markets, Butchers' Shops, etc

340. All markets which are acquired, constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets. Public markets.

341. (1) The corporation may provide places for use as public markets. Power of municipal authorities in respect of public markets.

(2) The commissioner may in any public market charge and levy any one or more of the following fees at such rates as the standing committee may determine and may place the collection of such fees under the management of such persons as may appear to him proper or may farm out such fees on such terms and subject to such conditions as he may deem fit—

(*a*) fees for the use of, or for the right to expose goods for sale, in such markets;

(*b*) fees for the use of shops, stalls, pens or stands in such markets;

(*c*) fees on vehicles or pack-animals carrying or on persons bringing goods for sale in such markets;

(*d*) fees on animals brought for sale into, or sold in, such markets, and

(*e*) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such markets.

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(3) Such fees shall be recoverable in the same manner as the property tax.

(4) The corporation may, with the sanction of the Government, close any public market or part thereof.

Commissioner's control over public markets.

342. (1) No person shall, without the permission of the commissioner, or if the fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

(2) Any person who contravenes sub-section (1) or any condition of the licence or any regulation made under section 350 or in any bye-law made under section 396 or who commits defaults in payment of the fees leviable under section 341 may after three clear days' notice be summarily removed from such market by any municipal officer or servant and any lease or tenure which any person may possess may be terminated for such period and from such date as the commissioner may determine without prejudice to the legal rights of the corporation to prosecute the person or to recover the fees leviable under section 341 and expenses, if any, which the corporation may incur in such removal.

Establishment of private markets.

343. (1) The corporation shall determine whether the establishment of new private markets for the sale of or for the purpose of exposing for, sale animals intended for human food or any article of human food shall be permitted in the city or any specified part of the city.

(2) (*a*) No person shall establish any new private market without or otherwise than in conformity with a licence issued by the commissioner with the sanction of the standing committee which shall be guided in giving or refusing sanction, by the resolutions of the council passed under sub-section (1).

(*b*) Applications for such licence shall be made by the owner of the place in respect of which the licence is sought not less than thirty days before such place is opened as a market.

Licensing private markets.

344. (1) No person shall without or otherwise than in conformity with an annual licence granted by the commissioner in this behalf continue to keep open a private market. Application for the renewal of the licence shall be made not less than thirty days before the commencement of the year for which licence is sought.

(2) The commissioner may by an order, subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used and rents and fees to be charged in such markets as he thinks fit,—

(*a*) grant or refuse to grant or renew such licence, or

(*b*) withhold the licence until the owner or occupier executes such works as may be specified in the order:

Provided that the commissioner shall not refuse or withhold such licence for any cause other than the failure of the

owner or occupier thereof to comply with some provision of this Act or some regulation made under section 351 or some bye-law made under section 396, or without the approval of the standing committee.

(3) The commissioner shall cause a notice that the market has been so licensed to be affixed in English and in Kannada language in some conspicuous place at or near the entrance to every such market.

(4) The commissioner, if a licence has been refused or withheld as aforesaid, shall cause a notice of such refusal or withholding to be affixed in English and Kannada to some conspicuous place at or near the entrance to the premises.

Period of licence.

345. Every licence granted under section 343 or section 344 shall expire at the end of the year for which it is granted.

Licence fee for private markets.

346. When a licence granted under section 344 permits the levy of any fee or fees of the nature specified in sub-section (2) of section 341, a fee not exceeding fifteen per cent of the gross income of the owner from the market in the preceding year shall be charged and levied by the commissioner for such licence.

Sale in unlicensed private market.

347. It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

Powers of commissioner in respect of private markets.

348. The commissioner may by notice require the owner, occupier or farmer of any private market for the sale of any animal or article of food, to—

(*a*) construct approaches, entrances, passages, gates, drains and cesspits for such market and provide it with latrine of such description and in such position and number as the commissioner may think fit.

(*b*) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in the opinion of the commissioner secure imperviousness and ready cleansing;

(*c*) ventilate and light it properly and provide it with a supply of water;

(*d*) provide passages of sufficient width between the stalls, and make such alterations in the stalls, passages, shops, doors or other parts of the market as the commissioner may direct; and

(*e*) keep it in a cleanly and proper state and remove all filth and rubbish therefrom.

Suspension or refusal of licence in default.

349. (1) If any person, after notice given to him in that behalf by the commissioner, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 348 the commissioner may, with the sanction of the standing committee, suspend the licence of the said person, or may refuse to grant him a licence until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

Power of commissioner to make regulations for markets, bazaars slaughter-houses, and places set apart for sacrifice of animals.

350. The Commissioner may, with the approval of the standing committee, make regulations, not inconsistent with any provision of this Act, or of any bye law made under section 396,

(*a*) for preventing nuisances or obstruction in any market-building, market-place, bazaar or slaughter-house, or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar;

(*b*) fixing the days and the hours on and during which any market, bazaar or slaughter-house may be held or kept open for use;

(*c*) for keeping every market-building, market-place, bazaar, slaughter-house and place specified under section 336 in a cleanly and proper state, and for removing filth and rubbish therefrom;

(*d*) requiring that any market-building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated and be provided with a sufficient supply of water;

(*e*) requiring that in market-buildings, market-places and bazaars, passages be provided between the stalls of sufficient width for the convenient use of the public; and

(*f*) requiring that in market-buildings, market-places and bazaars separate areas be set apart for different classes of articles.

Acquisition of rights of private persons to hold private markets.

351. (1) The corporation may acquire the rights of any person to hold a private market in any place and to levy fees therein. The acquisition shall be made under the Mysore Land Acquisition Act, 1894, and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the corporation of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold such market and to levy fees therein shall vest in the corporation.

Duty of expelling lepers, etc., from markets, and power to expel disturbers.

352. The person in charge of a market shall prevent the entry therein of, and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same, handles any articles exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein.

Butcher's, fishmonger's and poulterer's licence.

353. (1) No person shall without or otherwise than in conformity with a licence from the commissioner carry on the trade of a butcher, fishmonger or poulterer or use any place for the sale of flesh, fish or poultry intended for human food—

(*a*) in any place within the limits of the city, or

(*b*) in any place within three miles of such limits and not included in any municipality constituted under the Mysore Town Municipalities Act, 1933:

Provided that no licence shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in air-tight and hermitically sealed receptacles.

(2) The commissioner may by an order and subject to such restrictions as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

(3) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the commissioner may, for special reasons, specify in the licence.

Power to prohibit or regulate sale of animals, birds or articles in public streets.

354. The commissioner may, with the sanction of the standing committee prohibit by public notice or licence or regulate the sale or exposure for sale of any animal, bird or article in or on any public street or part thereof.

Decision of disputes as to whether places are markets.

355. If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, of live-stock or poultry, of cotton, groundnut or other industrial crops or of any other raw or manufactured products, is a market or not, the commissioner shall make a reference to the Government and the decision of the Government on the question shall be final.

Inspection of Places for Sale, etc.

Duty of commissioner to inspect.

356. It shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables corn, bread flour, milk, ghee, butter, oil, and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

Power of commissioner for purposes of inspection.

357. (1) The commissioner or any person, authorised by him in writing for the purpose may without notice enter any slaughter-house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night, when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) If the commissioner or any person so authorised by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale or sold without, or otherwise than in conformity with a licence, he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of law, by-laws, or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against the commissioner or any person acting under his authority or the corporation for any

damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting any entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

Preventing inspection by commissioner.

358. No person shall in any manner whatsoever obstruct the commissioner or person duly authorised by him in the exercise of his power under the last preceding section.

Power of commissioner to seize diseased animal, noxious food, etc.

359. If it appears to the commissioner or a person duly authorised by him—

(*a*) that any animal, poultry or fish intended for food is diseased,

(*b*) that any article of food is noxious, or

(*c*) that any utensil or vessel used in manufacturing, preparing or containing any article of food is of such kind or in such state as to render the articles noxious

he may seize or carry away or secure such animal, poultry, fish, article, utensil or vessel in order that the same may be dealt with as hereinafter provided.

Explanation.—Meat subjected to the process of blowing shall be deemed to be noxious.

Removing or interfering with articles seized.

360. No person shall remove or in any way interfere with anything secured under the last preceding section.

Power to destroy articles seized.

361. (1) When any animal, poultry, fish or other article of food (or any utensil or vessel) seized under section 359, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed, and if the article is perishable, without such consent.

(2) Any expenses incurred in destroying anything under sub-section (1), shall be paid by the owner or person in whose possession such thing was at the time of its seizure.

Production of articles, etc., seized, before magistrate and powers of magistrate to deal with them.

362. (1) Articles of food, animals, poultry, fish, utensils or vessels, seized under section 359 and not destroyed under section 361 shall as soon as possible be produced before a Magistrate.

(2) Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code or under this Act, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry, or fish is diseased, or any such article is noxious or any such untensil or vessel is of such kind or in such state as is described in section 359 he may order the same,

(*a*) to be forfeited to the corporation,

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked

about for sale, or used for human food or for the manufacture or preparation of, or for containing, any such article as aforesaid.

Disposal of the Dead.

363. If it appears to the commissioner that there is no owner or person having the control of any place used for burying, burning, or otherwise disposing of the dead, he shall assume such control and register such place, or may, with the sanction of the corporation, close it.

Registration or closing of ownerless places for disposal of dead.

364. (1) No new place for the disposal of the dead, whether public or private, shall be opened, formed, constructed, or used unless a licence has been obtained from the commissioner on application.

Licensing of places for disposal of dead.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered showing the locality, boundaries and extent thereof, the name of the owner or pers n or community interested therein, the system of management, and such further particulars as the commissioner may require.

(3) The commissioner may, with the sanction of corporation,

(*a*) grant or refuse a licence, or

(*b*) postpone the grant of a licence until his objections to the site have been removed or any particulars called for by him have been furnished.

365. (1) The corporation may, and shall if no sufficient provision exists, provide places to be used as burial or burning grounds or crematoria, either within or with the sanction of the Government without the limits of the city and may charge and levy rents and fees for the use thereof.

Provision of burial and burning grounds and crematoria within or without the city by the corporation.

(2) If the corporation provide any such place without the limits of the city, all the provisions of this Act and all bye-laws framed under this Act for the management of such places within the city shall apply to such place and all offences against such provisions or bye-laws shall be cognizable by a magistrate as if such place were within Municipal limits.

366. (1) A book shall be kept at the municipal office in which the places registered, licenced or provided under section 363, section 364 or section 365 and all such places registered, licensed, or provided before the commencement of this Act, shall be recorded, and the plans of such places shall be filed in such office.

Register of registered, licensed and provided places and prohibition of use of other places.

(2) Notice that such place has been registered, licensed or provided as aforesaid shall be affixed in English and Kannada to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) The commissioner shall annually publish a list of all places registered, licenced, or provided as aforesaid or provided by the Government.

(4) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid.

Report of burials and burnings.

367. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to the officer, if any, appointed by the commissioner in that behalf.

Prohibition against making of vault or grave in place of worship.

368. No person shall make a vault or grave, or cause any corpse to be buried within the walls of or underneath any place of public worship:

Provided that in the case of an existing vault, the commissioner may, subject to the general or special orders of the Government, authorise the burial in such vault, of near relatives of the family to whom it belongs.

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

369. (1) If the commissioner is of opinion—

(*a*) that any registered or licenced place for the disposal of the dead or any place provided for such disposal by the corporation or by the Government is in such a state or situation as to be or to be likely to become dangerous to health of persons living in the neighbourhood thereof; or

(*b*) that any burial ground is overcrowded with graves, and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place,

he may with the consent of the corporation and the previous sanction of the Government, give notice that it shall not be lawful after a period to be named in such notice, to bury, burn, or otherwise dispose of any corpse at such place.

(2) Every notice given under sub-section (1) shall be published and a translation thereof in Kannada shall be affixed to some part of such place.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn or otherwise dispose of a corpse at such place except with the permission of the commissioner.

Prohibition in respect of corpses.

370. No person shall—

(*a*) bury or cause to be buried any corpse or part thereof in a grave whether dug or constructed of masonry or otherwise in such manner that the surface of the coffin or the surface of the body where no coffin is used, is at a less depth than five feet from the surface of the ground; or

(*b*) build or dig or cause to be built or dug any grave in any burial ground at a less distance than two feet from the margin of any other existing grave; or

(*c*) without the sanction, in writing, of the commissioner or an order, in writing, of a magistrate reopen a grave already occupied; or

(*d*) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground and not cause the burial or

burning of the same to commence within six hours after its arrival at such place; or

(*e*) when burning or causing to be burnt a corpse or part thereof permit the same or any part thereof or its clothing to remain without being completely reduced to ashes; or

(*f*) carry through any street a corpse or part thereof not decently covered; or

(*g*) while carrying a corpse or part thereof within the city leave the same in or near any street for any purpose whatever; or

(*h*) remove, otherwise than in a closed receptacle, any corpse or part thereof, kept or used for the purpose of dissection.

371. The owner of, or other person having control over, any private burial ground shall fence and maintain the same properly to the satisfaction of the commissioner. Fencing, etc., of private burial ground.

372. No person shall discharge the office of a grave-digger or other attendant at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licensed in that behalf by the commissioner. Grave-digger's licence.

CHAPTER XIV.

VITAL STATISTICS AND THE PREVENTION OF DISEASES.

Vital Statistics.

373. (1) The corporation shall register all births and deaths occurring in the city. Compulsory registration of vital statistics.

(2) Information of births and deaths shall be given and their registration shall be made and enforced in the prescribed manner.

Dangerous Diseases.

374. The Government may, by notification, declare any epidemic, endemic or infectious disease (not already specified in sub-clause (*a*) of section 3, clause (16) to be a "dangerous disease" for the purpose of this Act. Power to notify "Dangerous disease."

375. (1) If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling in the city, he shall inform the commissioner, the health officer, or the sanitary inspector of the division, with the least practicable delay. Obligation of medical practitioner or owner or occupier to report dangerous disease.

(2) The information shall be communicated in such form and with such details as the commissioner may require.

(3) The commissioner may direct the compulsory notification by the owner or occupier of every house within the municipal limits, during such period and to such officer as the commissioner may prescribe, of all deaths from or occurrences of dangerous disease in his house.

Explanation.—Sub-sections (1) and (2) shall apply to a *hakim* or a *vaidya*.

Power of entry into suspected places.

376. The commissioner or health officer may at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect any place in which any dangerous disease is reported or suspected to exist and except in cases where he is satisfied that adequate arrangements have been made or exist for the proper care and treatment of the person who is suffering or is suspected to be suffering from any dangerous disease, remove or cause to be removed such person to any Government or municipal medical institution intended for the treatment of patients suffering from such disease, and take such other measures as he may think fit to prevent the spread of such disease.

Prevention of Infection.

Provision of conveyances for carriage of patients.

377. The commissioner may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease.

Powers to order removal of patients to hospital.

378. (1) If, in the case of any person in a hospital, it appears to the officer in charge of it that such person is suffering from a dangerous disease,

or if, in the case of any other person, it appears to the health officer or assistant health officer (whether on a certificate signed by a medical practitioner registered under the Mysore Medical Registration Act, 1931, or otherwise) that such person is suffering from a dangerous disease, and

(*a*) is without proper lodging or accommodation, or

(*b*) is lodged in a place occupied by more than one family, or

(*c*) is without medical supervision directed to prevent the spread of the disease,

and if such officer in charge, health officer or assistant health officer as the case may be, considers,

that such person should be removed to a hospital or other place at which patients suffering from such disease are received for medical treatment,

he may remove such person or cause him to be removed to the said hospital or place:

Provided that, if any such person is a female she shall not be removed to any such hospital or place unless the same has accommodation of a suitable kind set apart from the portions assigned to males.

(2) If any female, who, according to custom, does not appear in public be removed to any hospital or place under sub-section (1),

(*a*) the removal shall be effected in such a way as to preserve her privacy;

(*b*) special accommodation suited to such custom shall be provided for her in such hospital or place; and

(c) a female relative shall be allowed to remain with her.

(3) Whoever obstructs the removal of a person under this section shall be deemed to have committed an offence punishable under section 269 of the Indian Penal Code.

Disinfection of buildings and articles.

379. (1) If the commissioner or health officer is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may, by notice, require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) The owner or occupier shall within the time specified as aforesaid comply with the terms of the notice.

(3) If the commissioner or health officer considers that immediate action is necessary, or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the commissioner or health officer may himself without notice cause such building, or article to be cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses incurred by the commissioner or health officer shall be recoverable from the said owner or occupier in cases in which such owner or occupier is, in the opinion of the commissioner or health officer, not unable by reason of poverty effectually to comply with such requisition.

Destruction of huts and sheds when necessary.

380. (1) If the commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation shall be paid by the commissioner to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Provision of places for disinfection and power to destroy infected articles.

381. (1) The commissioner may—

(a) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding, or other articles which have been exposed to infection from any dangerous disease, and

(b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge, or subject to such charges, as may be approved by the standing committee.

(2) The commissioner shall from time to time notify places at which conveyances, clothing, bedding or other articles

which have been exposed to infection from any dangerous disease shall be washed and disinfected and no person shall wash or disinfect any such article at any place not so notified.

(3) The commissioner may direct any clothing, bedding, or other article likely to retain infection from any dangerous disease to be disinfected or destroyed, and may give compensation for any article destroyed under this sub-section.

Prohibition against transfer of infected articles.

382. No person shall, without previously disinfecting it give, lend, let, hire, sell, transmit, or otherwise dispose of, any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

Prohibition against infected person carrying on occupation.

383. If any person knows or has been certified by the health officer, a medical officer in the service of the Government or of the corporation or a medical practitioner registered unde the Mysore Medical Registration Act, 1931, that he is suffering from a dangerous disease he shall not engage in any occupation or carry on any trade or business unless he can do so without risk of spreading the disease.

Prohibition against diseased person entering public conveyance.

384. (1) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) A court convicting any person of contravening sub-section (1) may levy in addition to the penalty for the offence provided in this Act such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance, the amount so imposed shall be awarded by the court to the owner or driver of the conveyance:

Provided that in a case which is subject to appeal, such amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed; or if an appeal is presented, before the decision of the appeal.

(4) At the time of awarding compensation in any subsequent civil suit relating to the same matter the court shall take into account any sum which the plaintiff shall have received under this section.

Disinfection of public conveyance after carriage of patients.

385. (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried, shall forthwith disinfect the conveyance or cause it to be disinfected.

(2) No such conveyance shall be used until the health officer or some person authorized by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

Letting of infected buildings.

386. (1) No person shall let or sub-let or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease until the health officer has granted a certificate that such building may be re-occupied.

(2) For the purposes of sub-section (1), the keeper of a hotel or lodging house shall be deemed to let the same or part of the same to any person accommodated therein.

Power to order closure of places of public entertainment.

387. In the event of the prevalence of any dangerous disease within the city, the commissioner may, with the sanction of the standing committee, by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as may be fixed by the standing committee.

Minor suffering from dangerous disease not to attend school.

388. No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.

Provision as to library books.

389. (1) No person who is suffering from an infectious disease shall take any book or use or cause any book to be taken for his use from or in any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned, but shall give notice to the commissioner that the book has been so exposed to infection, and the commissioner shall cause the book to be disinfected and returned to the library, or to be destroyed.

(4) The commissioner shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.

Explanation.—For the purposes of this section the commissioner shall from time to time notify what diseases are to be deemed infectious.

Power of commissioner to prohibit use of water likely to spread infection.

390. If the health officer certifies that the water in any well, tank or other place within the limits of the city is likely, if used for drinking to engender or cause the spread of any dangerous disease, the commissioner may by public notice prohibit the removal or use of such water for drinking and domestic purposes during a specified period.

Small-pox.

Compulsory vaccination.

391. The corporation shall enforce vaccination throughout the city in such manner as may be prescribed and it may enforce re-vaccination throughout the city or in any part thereof, in respect of such persons, to such extent and in such manner as may be prescribed.

Obligation to give information of small-pox.

392. Where an inmate of any dwelling place within the city is suffering from small-pox, the head of the family to which the inmate belongs and, in his default, the occupier or person in charge of such place, shall inform the commissioner, the health officer, the medical registrar of the district, or the sanitary inspector of the division with the least practicable delay.

Prohibition of inoculation for small-pox.

393. (1) Inoculation for small-pox is prohibited.

(2) No person who has undergone the operation of inoculation shall enter the city before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the corporation may authorize to grant such certificates stating that such person is no longer likely to produce small-pox by contact or near approach.

PART V.

Subsidiary Legislation and Penalties.

CHAPTER XV.

RULES, BYE-LAWS AND REGULATIONS.

Rules and Schedules.

Power of Government to make rules

394. (1) The Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(*a*) provide for all matters expressly required or allowed by this Act to be prescribed;

(*b*) regulate or prohibit the moving of any resolution or the making of any motion on, or the discussion of any matter unconnected with the municipal administration;

(*c*) prescribe the accounts to be kept by the corporation, the manner in which such accounts shall be audited and published and the conditions under which the rate-payers may appear before auditors, inspect books and vouchers and take exception to items entered therein or omitted therefrom;

(*d*) prescribe the forms of all registers, reports and returns, the manner in which such registers shall be maintained, the dates on which the reports and returns shall be made and the officers to whom they shall be sent;

(*e*) regulate the sharing between local authorities in Mysore of the proceeds of the profession tax, tax on carriages and animals, tax on carts, and other taxes or income levied or obtained under this or any other Act;

(*f*) prescribe the powers of auditors, inspecting and superintending officers authorised to hold inquiries, to summon and examine witnesses, and to compel the production of documents and all other matters connected with audit, inspection and superintendence; and

(*g*) prescribe the form of warrant under rule 29 of Schedule III and the form of notice of sale under rule 31 of the same schedule.

(3) The Government may make rules altering, adding to, or cancelling any of Schedules to this Act except Schedules I, VI and VII.

(4) All references made in this Act to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the powers conferred by sub-section (3).

(5) In making any rule the Government may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

Making of rules after previous publication.

395. The power to make rules under section 394 and the power to issue notifications under section 48 are subject to the following conditions :—

(a) A draft of the rules or notification shall be published in the official Gazette and forwarded to the corporation for its opinion.

(b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Government may appoint.

(c) All rules made under section 394 shall be published in the official Gazette and upon such publication shall have effect as if enacted in this Act.

Bye-laws.

Power to make bye-laws.

396. The corporation may make bye-laws, not inconsistent with this Act or with any other law to provide—

(1) for all matters expressly required or allowed by this Act to be provided for by bye-law;

(2) for the due performance by all municipal officers and servants of the duties assigned to them;

(3) for the regulation of the time and mode of collecting the taxes and duties under this Act;

(4) for determining the conditions under which lands shall be deemed to be appurtenant to building;

(5) (a) for the use of public tanks, wells, conduits and other places or works for water-supply;

(b) for the regulation of public bathing, washing and the like;

(c) for the maintenance and protection of the water-supply system, and the protection of water-supply from contamination;

(d) for the terms and conditions on which house connections with the corporation's water-supply mains may be made; for their alteration and repair and for their being kept in proper order;

(e) for supply of water for domestic consumption and use;

(f) for the prevention of waste of water;

(g) for the measurement of water;

(h) for the compulsory provision of cisterns and meters;

(i) for the supply of water in case of fire;

(6) for the maintenance and protection of the lighting system;

(7) (a) for the maintenance and protection of the drainage system;

(*b*) for the construction of house drains, and for regulating their situation, mode of construction and materials;

(*c*) for the alteration and repair of house drains;

(*d*) for the cleansing of house drains;

(*e*) for the construction of closed cess-pools and drains;

(*f*) for the payment of apportionment of money payable on account of pipes or drains common to more premises than one;

(8) for the cleansing of latrines, earth-closets, ash-pits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing;

(9) (*a*) for the testing of water-pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and the breaking up of the ground or of buildings for the purpose of such testing;

(*b*) for the licencing of plumbers and fitters and for the compulsory employment of licenced plumbers and fitters;

(10) (*a*) for the laying out of streets, for determining the information and plans to be submitted with applications for permission to lay out streets; and for regulating the level and width of public streets and the height of buildings abutting thereon;

(*b*) for the regulation of the use of public streets, and the closing thereof or parts thereof;

(*c*) for the regulation of traffic in public streets, or their reservation for particular kinds of traffic;

(*d*) for the protection of avenues, trees, grass and other appurtenances of public streets and other places;

(11) for the regulation of the use of parks, gardens and other public or municipal places;

(12) (*a*) for the regulation of building;

(*b*) for determining the information and plans to be submitted with applications to build;

(*c*) for the licencing of builders and surveyors and for the compulsory employment of licenced builders and surveyors;

(13) for the regulation (and licencing) of hotels, lodging houses, boarding houses, choultries, rest houses, restaurants, eating houses, cafes, refreshment rooms, coffee houses and premises to which the public are admitted for repose or for the consumption of any food or drink (or any place where any food or drink is exposed for sale);

(14) for regulating the mode of constructing stables, cattle-sheds and cow-houses and connecting them with municipal drains;

(15) for the control and supervision of public and private cart-stands, for the regulation of their use and for the levy of fees therein;

(16) for the sanitary control and supervision of factories and places used for any of the purposes specified in schedule V and of any trade or manufacture carried on therein;

(17) (*a*) for the control and supervision of slaughter-houses and of places used for skinning and cutting up of carcasses;

(*b*) for the control and supervision of the methods of slaughtering;

(*c*) for the control and supervision of butchers carrying on business in the city or at any slaughter-house without the city provided or licensed by the corporation;

(18) for the inspection of milch-cattle and the regulation of the ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairyman or milk-seller;

(19) for enforcing the cleanliness of milk-stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk trade;

(20) for requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch-cattle and milk against infection and contamination;

(21) (*a*) for the inspection of public and private markets and shops and other places therein;

(*b*) for the regulation of their use and the control of their sanitary condition; and

(*c*) for licensing and controlling brokers, commission agents and weighmen and measurers practising their calling in markets;

(22) for prescribing the method of sale of articles whether by measure, weight, tale or piece;

(23) for prescribing and providing standard weights, scales and measures and preventing the use of any others;

(24) for the prevention of the sale, or exposure for the sale, of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;

(25) (*a*) for the regulation of burial and burning grounds and other places for the disposal of corpses;

(*b*) for the levy of fees for the use of such burial and burning grounds and crematoria as are maintained by the corporation;

(*c*) for the verification of deaths and the causes of death;

(*d*) for the period of which corpses must be kept for inspection;

(*e*) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places;

(26) for the registration of births, deaths and marriages;

(27) for the training and licensing of dhais and midwives;

(28) for the prevention of dangerous diseases of men or animals;

(29) for the enforcement of compulsory vaccination or re-vaccination;

(30) for the prevention of outbreaks of fire;

(31) for the prohibition and regulation of advertisements;

(32) in general for securing cleanliness, safety and order and the good government and well being of the city and for carrying out all the purposes of this Act.

Power to give retrospective effect to certain bye-laws.

397. Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cess-pools in connection with buildings and the keeping of water closets supplied with sufficient water for flushing, may be made so as to affect buildings erected before the passing of the bye-laws or of this Act.

Penalty for breaches of bye-laws.

398. In making any bye-laws under sections 396 and 397 the corporation may provide that a breach thereof shall be punishable—

(*a*) with fine which may extend to fifty rupees, and in case of continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the commissioner to discontinue such breach.

Confirmation of bye-laws by Government.

399. No bye-law made by the corporation under this Act shall have any validity unless and until it is sanctioned by the Government.

Condition precedent to making of bye-laws.

400. The power to make bye-laws under this Act is subject to the conditions—

(*a*) that a draft of the proposed bye-law is published in the Official Gazette and in the local newspapers;

(*b*) that the draft shall not be further proceeded with until after the expiration of a period of one month from the publication thereof in the Official Gazette or of such longer period as the corporation may appoint;

(*c*) that for at least one month during such period a printed copy of the draft shall be kept at the municipal office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge; and

(*d*) that printed copies of the draft shall be sold to any person requiring them on payment of such price, as the commissioner may fix.

Rules in lieu of bye-laws.

Power of Government to make rules in lieu of bye-laws.

401. (1) If, in respect of any of the matters specified in section 396, the corporation has failed to make any bye-laws or if the bye-laws made by it are not, in the opinion of the Government adequate, the Government may make rules providing for such matter to such extent as they may think fit.

(2) Rules made under this section, may add to, alter, or cancel any bye-laws made by the corporation.

(3) If any provision of a bye-law made by the corporation is repugnant to any provision of a rule made under this section, the rule shall prevail and the bye-law shall, to the extent of the repugnancy, be void.

(4) The provisions of sections 397, 398 and 400, of the second sentence of sub-section (1) of section 402 and of section 404 shall apply to the rules made under this section as they apply to the bye-laws made under section 396, with the substitution of the word 'Government' for the word 'corporation' in section 398 and clause (*b*) of section 400 and of the word 'Government' for the word 'commissioner' in clause (*d*) of section 400.

(5) Before making any rules under this section the Government shall give the corporation an opportunity of showing cause against the making thereof.

Publication of Rules, Bye-laws and Regulations.

Publication of bye-laws or rules.

402. (1) When any rule or bye-law has been made, under this Act, such rule or bye-law shall be published in the official Gazette in English and in Kannada. A bye-law shall come into operation three months after it has been published as aforesaid.

(2) The commissioner shall cause all rules and bye-laws in force to be printed in the said languages, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

(3) The commissioner shall from time to time advertise in the local newspapers that copies of rules and bye-laws are for sale and specify the place where and the person from whom and the price at which they are obtainable.

(4) The commissioner shall publish lists of offences and fines under this Act and the rules and bye-laws made under it, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

Publication of regulations.

403. Regulations made under this Act shall be published in such manner as the corporation may determine.

Exhibition of bye-laws, rules and regulations.

404. (1) Printed copies of bye-laws under section 396, clauses (10) (*b*) (*c*) (*d*) and (11) shall be affixed at the entrances to, or elsewhere in the street, park or other place affected thereby in such conspicuous manner as the commissioner may deem best calculated to give information to the persons using such place.

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(2) Printed copies of other bye-laws and of the rules and regulations shall be hung up in some conspicuous part of the municipal office. The commissioner shall also keep affixed in a like manner in places of public resort, markets, slaughter-houses and other places affected thereby copies of such portions of the rules, bye-laws and regulations as may relate to those places.

(3) No municipal officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

(4) No person shall, without lawful authority, destroy, pull down, injure, or deface any copies exhibited as above or any board to which the copies have been affixed.

CHAPTER XVI—PENALTIES.

General provisions regarding penalties specified in the schedules.

405. (1) Whoever—

(*a*) contravenes any provision of any of the sections or rules of this Act specified in the first column of Schedule VI; or

(*b*) contravenes any rule or order made under any of the said sections or rules; or

(*c*) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the sections, or rules;

shall on conviction be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

(2) Whoever after having been convicted of—

(*a*) contravening any provision of any of the sections or rules of this Act specified in the first column of Schedule VII; or

(*b*) contravening any rule or order made under any of the said sections or rules; or

(*c*) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections, or rules,

continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punished, for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf of the third column of the said schedule.

Explanation.—The entries in the second column of Schedules VI and VII headed "subject" are not intended as definitions of the offences described in the sections, sub-section clauses or rules mentioned in the first column or even as abstracts

of those section, sub-sections, clauses or rules, but are inserted merely as references to the subject of the sections, sub-sections, clauses or rules as the case may be.

Penalty for voting when pecuniarily interested and acting as councillor or alderman when not entitled, etc.

406. (1) If a councillor or an alderman votes in contravention of section 36, or if any person acts as a councillor or an alderman knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office, he shall on conviction be punished with fine not exceeding two hundred rupees for every such offence.

Penalty for acting as mayor or deputy mayor when not entitled, etc.

(2) If any person acts as or exercises the functions of the mayor or deputy mayor knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office or to exercise such functions, he shall on conviction be punished with fine not exceeding one thousand rupees for every such offence.

Penalty for failure to hand over documents, etc., by mayor or deputy mayor.

(3) If the mayor or deputy mayor fails to hand over any documents of, or any money or other properties vested in, or belonging to, the corporation, which are in or have come into his possession or control, to his successor in office or other prescribed authority, in every case as soon as his term of office as mayor or deputy mayor expires and in the case of the deputy mayor also on demand by the mayor, such mayor or deputy mayor shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

Penalty for acquisition by municipal officer of interest in contract or work.

407. If the commissioner or any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employee or servant any personal share or interest in any contract or employment with, by, or on behalf of the corporation, he shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code:

Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract between such company and the corporation unless he is a director of such company.

Penalty for omission to take out licence for vehicle or animal.

408. (1) Every owner or person in charge of any vehicle or animal liable to tax under section 118 omits to obtain, within 15 days of the service of a bill on him, a licence under section 123 shall, on conviction, be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 121, fails to pay such sum and the amount

due for a licence shall in such case be taken as the amount to be compounded for.

409. Any person who wilfully prevents distraint or sufficient distraint of property subject to distraint for any tax due from him, shall on conviction by a magistrate be liable to a fine not exceeding twice the amount of the tax, found to be due.

Penalty for wilfully preventing distraint.

410. If the construction to reconstruction of any building or well—

Penalty for unlawful building.

(a) is commenced withour the permission of the commissioner, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on or completed in contravention of any lawful order or breach of any provision contained in this Act or in any rule or bye-law made under it, or of any direction or requisition lawfully given or made, or

(d) if any alterations or additions required by any notice issued under section 250 or section 261 are not duly made, or

(e) if any person to whom a direction is given by the commissioner to alter or demolish a building or well under section 262 fails to obey such direction, the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a well or hut to fifty rupees and in the case of any other building to five hundred rupees, and to a further fine which may extend in the case of a well or hut to ten rupees, and in the case of any other building to one hundred rupees, for each day during which the offence is proved to have continued after the first day.

411. (1) In the absence of a written contract to the contrary, every scavenger employed by the corporation shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Notice to scavengers before discharge.

(2) Should any scavenger employed by the corporation, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the corporation, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

enalty for withdrawal of scavenger without notice.

(3) The Government may by notification direct that on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any other specified class of municipal servants whose functions concern the public health or safety.

Application of sub-sections (1) and (2) to other municipal servants.

Wrongful restraint of commissioner and his delegates.

412. Every person who prevents the commissioner, or any person to whom the commissioner has lawfully delegated his power from exercising his power of entering on any land or into any building shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

Penalty for not giving information or giving false information.

413. If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information—

(*a*) omits to furnish it, or

(*b*) knowingly or negligently furnishes false information, such person shall, on conviction, be punished with fine not exceeding one hundred rupees.

PART VI.

CHAPTER XVII

PROCEDURE AND MISCELLANEOUS.

Licences and Permissions.

General provisions regarding licences, registrations and permissions.

414. (1) Every licence or permission granted under this Act or any rule or bye-law made under it shall specify the period if any, for which and the restrictions, limitations and conditions subject to which the same is granted, and shall be signed by the commissioner.

(2) (*a*) Save as otherwise expressly provided in, or may be prescribed under, this Act for every such licence or permission fees shall be paid in advance on such units and at such rates as may be fixed by the corporation:

Provided that the commissioner may at his discretion consider any application for the grant or renewal of any licence or permission though the fee payable therefor has not been paid in advance:

Provided further that not more than one fee shall be levied in respect of any purpose specified in more heads than one of Schedule V if such heads form part of a continuous process of manufacture and the fee so charged shall not exceed the highest fee chargeable in respect of any one of the said purposes.

(*b*) the corporation may compound for any period not exceeding three years at a time with the owner of any mill or factory for a certain sum to be paid in lieu of the fees payable in respect of such mill or factory.

(*c*) Every order of the commissioner or other municipal authority granting or refusing a licence or permission shall be published on the notice board of the corporation.

(3) Every order of the commissioner or other municipal authority refusing, suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(4) Subject to the special provisions in Chapters X, XI and XIII regarding buildings, keris, and hutting grounds and private markets and subject to such sanction as may be required for the refusal of a licence or permission, any licence or permission granted under this Act or any rule or bye-law made under it may at any time be suspended or revoked by the commissioner, if any of its restrictions, limitations or conditions is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, bye-law or regulation made under it in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

(5) It shall be the duty of the commissioner to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on in it at the time; and if he has reason to believe that anything is being done in any place without a licence or permission, where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws, regulations, any condition of a licence or permission or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the commissioner or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section.

(6) When any licence or permission is suspended or revoked, or when the period for which it was granted or within which application for renewal should be made has expired, whichever expires later, the grantee shall for all purposes of this Act. or any rule or bye-law made under it be deemed to be without licence or permission until the order suspending or revoking the licence or permission is cancelled or subject to sub-section (10) until the licence or permission is renewed, as the case may be.

(7) Every grantee of any licence or permission shall at all reasonable times, while such licence or permission remains in force, produce the same at the request of the commissioner.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make registration required by the provisions of this Act, or by any rule or bye-law made under this Act, the magistrate shall in addition to any fine which may be imposed recover summarily and pay over to the corporation the amount of the fee chargeable for the licence or permission or for registration and may in his discretion also recover summarily and pay over to the corporation such amount, if any, as he may fix as the costs of the prosecution.

(9) Such recovery of the fee under sub-section (8) shall not by itself entitle the person convicted to a licence or permission or to registration as aforesaid.

(10) The acceptance by the corporation of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration; but an applicant for the renewal

of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or permission or registration had been renewed; and, save as otherwise specially provided in this Act, if orders on an application for licence or permission or for registration are not communicated to the applicant within forty-five days after the receipt of the application by the commissioner, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application and subject to the law, rules, bye-laws, regulations and all conditions ordinarily imposed.

Appeals.

Appeals from commissioner to standing committee.

415. (1) An appeal shall lie to the standing committee from—

(*a*) any notice issued or other action taken or proposed to be taken by the commissioner—

(i) under sections 135, 182, 190, 191, 192, 194, 250, 262 (3), 292 (1), 293 (1), 298 (1), 299, 300, 307, 316, 317, 318, 325 and 326.

(ii) under any bye-law concerning house-drainage or the connection of house-drains with municipal drains, or house-connections with municipal water-supply or lighting mains;

(*b*) any refusal by the commissioner to approve a building site under section 243, to grant permission to construct or reconstruct a building under section 244 or 256;

(*c*) any refusal by the commissioner to grant a permission under sections 132, 185, 296, or 325, or

(*d*) any refusal by the commissioner to grant a licence under sections 316, 324, 335, 339, or 344 (2) or

(*e*) any order of the commissioner made under section 414, sub-section (4), suspending or revoking a licence;

(*f*) any other order of the commissioner that may be made appealable by rules under section 394.

(2) If, on any such appeal, the standing committee reverses or substantially modifies any action taken or proposed to be taken by the commissioner or any order passed by him, he may, within one month of the date of such decision, refer the matter to the corporation, and pending the decision of the corporation on such reference, the commissioner shall not be bound to give effect to the decision of the standing committee.

The decision of the standing committee or where the matter has been referred to the corporation as aforesaid, the decision of the corporation shall be final.

Limitation of time for appeal.

416. In any case in which no time is laid down in the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal shall, subject to the provisions of section 5 of the Mysore Limitation Act, 1911, be presented—

(*a*) where the appeal is against an order granting a licence or permission, within thirty days after the date of the publication of the order on the notice board of the corporation, and

(*b*) in other cases within thirty days after the date of the receipt of the order or proceeding against which the appeal is made.

Power to summon.

Power of person conducting election and other inquiries.

417. All persons authorised by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any inquiry into matters falling within the scope of their duties, shall have for the purposes of such enquiries the same powers in regard to the issue of summonses for the attendance of witnesses and the production of documents as are conferred upon revenue officers by the Mysore Land Revenue Code, and the provisions of that Act, shall apply to summonses issued and to persons summoned by virtue of the powers conferred by this section ; and all persons to whom summonses are issued by virtue of the said powers shall be bound to obey such summonses.

Summons to attend and give evidence or produce documents.

418. The commissioner may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration, or to the grant of any licence, or permission under the provisions of this Act.

Procedure.

Form of notices and permissions.

419. All notices and permissions given, issued, or granted, as the case may be, under the provisions of this Act must be in writing.

Proof of consent of municipal authorities or municipal officers.

420. Whenever under this Act or any rule, bye-law or regulation made under it the doing or the omitting to do anything or the validity or anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(*a*) the corporation, a standing committee, or the commissioner, or

(*b*) any municipal officer, a written document signed in case (*a*), by the commissioner and in case (*b*) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Signature on documents.

421. (1) Every licence, permission, notice, bill, schedule, summons, warrant or other document which is required by this Act or by any rule, bye-law or regulation made under it to bear the signature of the commissioner or of any municipal officer shall be deemed to be properly signed if it bears facsimile of the signature of the commissioner or of such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to any deed of contract.

Publication of notification

422. Save as otherwise provided, every notification under this Act shall be published in the Official Gazette, in English and Kannada.

Publication of order, notice or other documents.

423. Every order, notice or other document directed to be published under this Act or any rule, bye-law or regulation made under it, shall, unless a different method is prescribed by this Act or by the corporation or the standing committee as the case may be, be translated into Kannada and deposited in the office of the corporation and copies thereof in English and in Kannada shall be posted in a conspicuous position at such office and at such other places as the corporation or standing committee as the case may be, may direct; and a public proclamation shall be made by beat of drum in the locality affected or by advertisement in the local newspapers that such copies have been so posted and that the originals are open to inspection at the office of the corporation.

Publication in newspapers.

424. Whenever it is provided by this Act or by any rule, by-law or regulation made under it that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the same, such notice, notification or information shall be inserted in at least one English and one Kannada newspaper published in the city.

Notice or prohibition or setting apart of places.

425. Whenever the corporation, a standing committee or the commissioner shall have set apart any place for any purpose authorised by this Act or shall have prohibited the doing of anything in any place, the commissioner shall forthwith cause to be put up a notice in English and in Kannada at or near such place. Such notice shall specify the purpose for which such place has been set apart or the act prohibited in such place.

Service or Sending of Notices, etc.

Method of serving documents.

426. (1) When any notice or other document is required by this Act, or by any rule, by-law, regulation or order made under it to be served on or sent to any person the service or sending thereof may be effected—

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to his agent, clerk or servant or some adult member of his family; or

(*c*) if such person does not reside in the city and his address elsewhere is known to the commissioner, by sending the same to him by post registered or

(*d*) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

(3) Whenever in any bill, notice, form or other document served or sent under this Act, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided, such period shall, in the absence of an express provision to the contrary in this Act, be calculated from the date of such service or sending by post registered.

Relation of Occupier to Owner.

Recovery by occupier of sum leviable from owners.

427. If the occupier of any building or land makes on behalf of the owner thereof any payment for which under this Act, the owner, but not the occupier is liable such occupier shall be entitled to recover the same from the owner and may deduct it from the rent then or thereafter due by him to the owner.

Obstruction of owner by occupier.

428. (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act the commissioner may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for a period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default, in executing such works.

Execution of work by occupier in default of owner.

429. If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, by-law, regulation or order made under it, the occupier of such building or land, may, with the approval of the commissioner, execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

Commissioner's Powers of Entry and Inspection.

Power of entry to inspect, survey or execute the work.

430. The commissioner or any person authorised by him in this behalf may enter into or on any building or land with or without assistants or workmen in order to make any inquiry, inspection, test, examination, survey, measurement or valuation,

or for the purpose of lawfully placing or removing meters, instruments, pipes or apparatus, or to execute any other work which is authorised by the provisions of this Act or of any rule, by-law, regulation or order made under it, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions, to make or execute :

Provided that—

(*a*) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise ;

(*b*) except when it is in this Act otherwise expressly provided no dwelling-house, and no part of a public building or hut, which is used as a dwelling-place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least twenty-four hours' previous notice of the intention to make such entry ;

(*c*) sufficient notice shall be in every case given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may be preserved.

Power of entry on lands adjacent to works.

431. (1) The commissioner or any person authorised by him in this behalf may with or without assistants or workmen enter on any land adjoining or within fifty yards of any work authorised by this Act or by any rule, by-law, regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone, or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on thereof.

(2) The commissioner or such authorised person shall, before entering on any land under sub-section (1), give the owner and occupier three days' previous notice of the intention to make such entry, and state the purpose thereof, and shall if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The commissioner or such authorised person shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but shall do as little damage as may be. The commissioner shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the commissioner, he may appeal to the standing committee, whose decision shall be final.

Power to enforce Licensing Provisions.

Consequences of failure to obtain licences, etc., or of breach of the same.

432. (1) If, under this Act, or any rule, by-law or regulation made under it, the licence or permission of the corporation, the standing committee or commissioner or registration in the office of the corporation is necessary for the doing of any act and if such act is done without such licence or permission or registration or in a manner inconsistent with terms of any such licence or permission, then—

(*a*) the commissioner may by notice, require the person so doing such act to alter, remove or as far as practicable restore to its original state the whole or any part of any property, movable or immovable, public or private, affected thereby within a time to be specified in the notice;

(*b*) the commissioner or any officer duly authorised by him may also enter into or on any building or land where such act is done and take all such steps as may be necessary to prevent the continuance of such act; and

(*c*) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable on conviction before a magistrate to a fine not exceeding fifty rupees for every such offence.

(2) No claim shall lie against the commissioner or any other person for any damage or inconvenience caused by the exercise of the power given under this section or by the use if the force necessary for the purpose of carrying out the provisions of this section.

Commissioner's Power to execute in Default.

Time for complying with order and power to enforce in default.

433. (1) Whenever by any notice, requisition or order under this Act or under any rule, bye-law or regulation made under it, any person is required to execute any work, or to take any measures or do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named, then whether or not a fine is provided for such default and whether or not the person in default is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the commissioner may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid.

(3) If no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall, on conviction, be punished with fine not exceeding fifty rupees for such offence.

434. (1) The commissioner may recover any reasonable expenses incurred under section 433 from the person or any one of the persons to whom the notice, requisition or order was addressed in the same manner as the property tax and may, in executing work or taking measures under section 433, utilize any materials found on the property concerned or may sell them and apply the sale proceeds in or towards the payment of the expenses incurred.

Recovery of expenses from persons liable and limitation or liability of occupier.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the commissioner may (whether any action or other proceeding has been brought or taken against such owner or not) require the person, if any, who occupies such property, or any part thereof, under the owner to pay to the corporation instead of to the owner the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under sub-section (1) or to such smaller amount as the commissioner may think proper, and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2) the commissioner may require any occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information.

(4) The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such work as aforesaid.

435. Instead of recovering any such expenses as aforesaid in the manner provided under section 440, the commissioner may, if he thinks fit and with the approval of the standing committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per cent per annum, within a period of not more than five years.

Power of commissioner to agree to receive payment of expenses in instalments.

436. If the expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned—

Power to declare expenses on certain work improvement expenses.

(*a*) in section 171, section 172, section 181, section 182, section 183, section 190, clause (b) of sub-section (1) of section 214, section 224, sub-sections (1) and (2) of section 298, section 302, section 307, section 348, or section 433; or

(*b*) in any rule made under this Act in which this section is made applicable to such expenses, the commissioner may, if he thinks fit and with the approval of the standing committee, declare such expenses to be improvement expenses.

Improvement expenses by whom payable.

437. (1) Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses together with interest thereon, within such period not exceeding twenty years as the commissioner may in each case determine.

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged:

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner.

Redemption of charge for improvement expenses.

438. At any time before the expiration of the period for the payment of any improvement expenses the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the commissioner such part of the said expenses as are still payable.

Relief to agents and trustees.

439. (1) Where an agent, trustee, guardian, manager or receiver would be bound to discharge any obligation imposed by this Act, or any rule, bye-law, regulation or order made under it for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the principal or beneficial owner sufficient for the purposes.

(2) The burden of proving the facts entitling any person to relief under this section shall lie on him.

(3) When any person has claimed and established his right to relief under this section, the commissioner may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the principal or beneficial owner as the case may be; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Payment of Compensation, etc., by and to the corporation.

Recovery of sums due as taxes.

440. All costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions and other sums which under this Act or any rule, bye-law or regulation made thereunder or any other law or under any contract including a contract in respect of water supply or drainage made in accordance with this Act, and the rules, bye-laws and regulations shall, if there is no special provision in this Act for their recovery be demanded by bill containing particulars of the demand and notice of the liability incurred in default of payment and may be recovered in the manner provided by rules 29 and 35 of the

rules contained in Part VI of Schedule III unless within fifteen days from the date of service of the bill such person shall have applied to the District Judge, Bangalore Division, under section 441.

441. Where in any case not provided for in section 449, any municipal authority or any person is required by or under this Act or any rule, bye-law, regulation or contract made under it to pay any costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions, or other sums referred to in section 440, the amount or apportionment of the same, shall, in case of dispute, be ascertained and determined except as is otherwise provided in sections 174, 380, or 431 or in the Mysore Land Acquisition Act, 1894, by the District Judge, Bangalore Division, on application made to him for this purpose at any time within six months from the date when such costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions, or other sums first became payable. **Determination by District Court of sums payable.**

442. (1) On any application under the provisions of section 441 the said District Judge shall summon the other party to appear before him. **Proceedings before District Court.**

(2) On the appearance of the parties or, in the absence of any of them, on proof of due service of the summons, the said District Judge may hear and determine the case.

(3) In every such case the said District Judge shall determine the amount of the costs and shall direct by which of the parties the same shall be paid.

443. If the sum due on account of costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions or other sums ascertained in the manner described in section 442 is not paid by the party liable within seven days after demand, such sum may be recovered under a warrant of the District Court by distress and sale of the moveable property of such party. **Recovery of sums payable by distress.**

444. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the corporation under this Act after the expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted or prosecution might first have been commenced as the case may be, in respect of such sum. **Limitation for recovery of dues.**

445. If any property, moveable or immoveable, is sold under the provisions of this Act, and if there is a surplus after the sum due to the Corporation and the costs have been deducted from the sale proceeds, such surplus shall, if the owner of the property sold claims it within one year from the date of the sale be paid to him by the Commissioner, but if no such claim is preferred within such time, the said surplus shall be credited to the Municipal Fund and no suit shall lie for the recovery of any sum so credited. **Procedure in dealing with surplus sale-proceeds.**

Provisions regarding Municipal Prosecutions.

Period of limitation for making complaints.

446. No person shall be liable to be tried for any offence against any of the provisions of this Act, or of any rule, bye-law, regulation or order made under it, unless complaint is made within six months from the commission of the offence, by the police or the commissioner or by a person authorised in this behalf by the corporation or the standing committee or the commissioner:

Provided that failure to take out a license, obtain permission or secure registration under this Act shall for the purposes of this section be deemed a continuing offence until the expiration of the period, if any, for which the license, permission or registration is required, and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

Cognizance of offences.

447. All offences against this Act, or against any rule, bye-law, regulation or order made under it, whether committed within or without the city, shall be cognizable by a First Class Magistrate having jurisdiction in the city; and such First Class Magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal rate or other tax or of his being benefited by the Municipal Fund to the credit of which any fine imposed by him will be payable.

Imprisonment in default of payment and application of fines.

448. (*a*) In case any fine, costs, tax or other sum of money imposed, assessed or recoverable by a Magistrate under this Act or under any rule, bye-law, or regulation made under it, shall not be paid, the Magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code.

(*b*) Any fine, costs, tax or other sum imposed, assessed or recoverable by a magistrate under this Act, or any rule, bye-law or regulation made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1898, or 1904, as the case may be, and the same shall on recovery be paid to the corporation to be applied for the purpose of this Act.

Payment of compensation for damage to municipal property.

449. If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule, bye-law or regulation made under it and by reason of such act or omission damage has been caused to any property of the corporation, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on application made to him

for the purpose by the commissioner not later than three months from the date of conviction; and, in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

Legal Proceedings in General.

Recovery of tax, etc., by suit.

450. Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any tax, duty, or other amount due under this Act.

Institution of suits against municipal authorities, officers and agents.

451. (1) No suit for damages or compensation shall be instituted against the corporation or any municipal authority, officer or servant, or any person acting under the direction of the same, in respect of any act done in pursuance or in execution, or intended execution of this Act or any rule, bye-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Act or any rule, bye-law, regulation or order made under it until the expiration of one month after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is instituted, and if the plaintiff does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(4) Where the defendant in any suit is the commissioner, a municipal officer or servant, payment of the sum or any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the standing committee, from the municipal fund.

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

452. The commissioner may—

(a) take, or withdraw from proceedings against any person who is charged with—

(i) any offence against this Act, the rules, bye-laws, or regulations;

(ii) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;

(iii) committing any nuisance whatsoever;

(*b*) compound any offence against this Act, the rules bye-laws, or regulations which may by rules made by the Government be declared compoundable;

(*c*) defend himself if sued or joined as a party in any proceeding in respect of the conduct of elections or in respect of the electoral roll;

(*d*) defend, or compromise any appeal against an assessment or tax;

(*e*) take, withdraw from or compromise proceedings under sections 441 and 449 for the recovery of expenses or compensation claimed to be due to the corporation;

(*f*) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the commissioner, or with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees;

(*g*) with the approval of the corporation, defend any suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant, in respect of anything done, or omitted to be done by them, respectively in their official capacity;

(*h*) with the approval of the standing committee compromise any claim, suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid;

(*i*) with the approval of the standing committee institute and prosecute any suit or withdraw from or compromise any suit or claim, other than a claim of the description specified in clause (*f*), which has been instituted or made in the name of the corporation or of the commissioner;

(*j*) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the corporation or the standing committee to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the awful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer or servant.

Protecting Clauses.

Indemnity to Government, municipal authorities, officers and agents.

453. No suit shall be maintainable against the Government or any municipal authority, officer, or servant or any person acting under the direction of the Government or any municipal authority, officer or servant, or of a magistrate, in respect of anything in good faith done under this Act, or any rule, bye-law, regulation or order made under it.

454. (1) The Commissioner and every councillor or alderman shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal corporation, if such loss, waste, or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the corporation with the previous sanction of the Government.

Liability of commissioner, councillors and aldermen for loss, waste or misapplication.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

455. When the Mayor or Deputy Mayor, or any councillor or alderman, or the commissioner is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no magistrate shall take cognizance of such offence excepet with the previous sanction of the Government.

Sanction for prosecution of Mayor, Deputy Mayor, etc.

456. (1) No assessment or demand made and no charge imposed under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (*a*) in respect of the name, residence, place of business or occupation of any person, or (*b*) in the description of any property or thing, or (*c*) in respect of the amount assessed, demanded or charged:

Assessments, etc., not to be impeached.

Provided that the provisions of this Act have in substance and effect, been complied with. And no proceedings under this Act shall, merely for defect in form be quashed or set aside by any court.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment, or collection of money made under the said authority:

Provided that the provisions of this Act have, in substance and effect been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto, if the provisions of this Act, the rules and bye-laws have, in substance and effect, been complied with:

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him

Police.

457. It shall be the duty of every police officer—

Duties of police officers.

(*a*) to communicate without delay to the proper municipal officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, bye-law or regulation made under it;

(b) to assist the commissioner or any municipal officer or servant, or any person to whom the commissioner has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the commissioner or in such municipal officer or servant or person under this Act or any such rule, bye-law or regulation; and for all such purpose he shall have the same powers which he has in the exercise of his ordinary police duties.

Power of police officers to arrest persons.

458. (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule, bye-law or regulation made under it, he shall, if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody—

(a) after his true name and address are ascertained, or

(b) without the order of a magistrate for any longer time, not exceeding twenty-four hours from the hour of arrest, than is necessary for bringing him before a magistrate.

Exercise of powers of police officer by municipal servants.

459. The Government may empower any municipal officer or servant or any class of municipal officers or servants to exercise the powers of a police officer.

Miscellaneous.

Application of term "public servant" to municipal officers, agents and sub-agents.

460. Every municipal officer or servant, every contractor or agent for the collection of any municipal tax, fee or other sum due to the corporation and every person employed by any such contractor or agent for the collection of such tax, fee or sum shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Prohibition against obstruction of corporation, standing committee, mayor, etc.

461. No person shall obstruct or molest the corporation, any standing committee, the Mayor or Deputy Mayor, any councillor or alderman, the commissioner, or any person employed by the corporation or any person with whom the commissioner has entered into a contract on behalf of the corporation in the performance of their duty or of anything which they are empowered or required to do by virtue or in consequence of this Act or of any rule, bye-law, regulation or order made under it.

Prohibition against removal of mark.

462. No person shall remove any mark set up for the purpose of indicating any level of direction incidental to the execution of any work authorised by this Act or by any rule, bye-law, regulation or order made under it.

Prohibition against removal or obliteration of notice.

463. No person shall, without authority in that behalf, remove, destroy, deface or otherwise obliterate any notice exhibited by or under the orders of the corporation, a standing committee or the commissioner.

464. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment, from, in, or on any land vested in the corporation or water-courses (not being private property), or in any way obstruct the same. **Prohibition against unauthorised dealings with public place or materials.**

465. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty. **Power to remove difficulties.**

Transitional and Transitory Provisions.

466. (1) This act shall come into force on such date as the Government may by notification in the Official Gazette appoint in this behalf. **Commencement of the Act.**

(2) On the commencement of this Act, the Mysore City Municipalities Act, 1933, shall cease to apply to any portion of the City to which it was applicable before such commencement.

467. (1) All rules and bye-laws made, all notifications published, all orders issued and all licences and permissions granted under the Mysore City Municipalities Act, 1933, or the Bangalore Municipal Law, 1897, and still in force in any part of the City shall so far as they are consistent with this Act, be deemed to have been respectively made, published, issued and granted under this Act: **Savings**

Provided that the Government may by order direct that after the commencement of this Act, only such rules, orders, bye-laws or notifications, aforesaid shall be applicable to the area to which this Act is applicable and only the said rules, orders, bye-laws or notifications shall thereupon continue in-force.

(2) All property and all interests of whatever kind owned by, vested in or held in trust by or for the corporation with all rights of whatever kind used, enjoyed or possessed by the Bangalore City Municipality as constituted under the Mysore City Municipalities Act, 1933, or by the Municipal Commission, Civil Station of Bangalore, as constituted under the Bangalore Municipal Law, 1897, as well as all liabilities legally subsisting against the said Bangalore City Municipality and the said Municipal Commission, Civil Station of Bangalore, shall pass to the corporation as constituted under this Act.

(3) All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to the Bangalore City Municipality or the Municipal Commission, Civil Station of Bangalore, at the time this Act comes into force may be recovered as though they had accrued under this Act

(4) All references made in any enactment or law in force in the area to which this Act is applicable to the Mysore City

Municipalities Act, 1933, or the Bangalore Municipal Law, 1897. shall be read as if made to this Act or to the corresponding portion thereof.

468. Notwithstanding anything contained in this Act—

(a) until the constitution of a corporation in accordance with the provisions of this Act—

Temporary provision as to the constitution of corporation

(i) the corporation shall consist of the elected councillors of the Bangalore City Municipality and the elected commissioners of the Municipal Commision, Civil Station of Bangalore, holding office immediately before the commen cement of this Act.

(ii) the persons holding the offices of the President, Bangalore City Municipality, and the Vice-President, Municipal Commission, Civil Station of Bangalore, respectively, immediately before the commencement of this Act, shall be the Mayor and Deputy Mayor and shall have all the powers and be subject to all the duties and liabilities of the corporation, the Mayor, the Deputy Mayor or the Councillors, as the case may be, under this Act.

(b) the corporation as constituted under clause (b) shall, at its first meeting after the comm ncement of this Act,—

(i) elect one of its number to be the Mayor and one of its number other than the Mayor so elected to be the Deputy Mayor; and

(ii) elect the members of the standing committees referred to in section 6,

(c) the term of office of the Mayor, Deputy Mayor, Councillors, and members of the standing committees referred to in clauses (a) and (b) shall, subject to the provisions of sub-section (2) of section 56, sections 58, 59, 60 and 71, extend to or expire on (as the case may be) such date as the Government may fix and the Government shall cause elections of councillors to be held so that the newly elected councillors may come into office on the date fixed for the retirement of the old councillors.

Orders for bringing this Act into force.

469. The Government may, by order make such provision as appears to them to be necessary or expedient—

(a) for bringing the provisions of this Act into effective operation;

(b) for making commissions from, additions to, and adaptations and modifications of the rules, bye-laws, notifications and orders referred to in sub-section (1) of section 467, in their application to the city;

(c) for removing difficulties arising in connection with the transition to the provisions of this Act;

(*d*) for authorising the continued carrying on for the time being on behalf of the corporation of services and activities previously carried on behalf of the Bangalore City Municipality and the Municipal Commission, Civil Station, Bangalore; and

(*e*) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the powers or jurisdiction of any court or authority and empowering new courts or other authorities to exercise such jurisdiction as may be specified in such order.

SCHEDULE I.

ENACTMENTS REPEALED.

(*See section 2*).

Year	*Number*	*Short title*	*Extent of repeal*
1897	...	The Bangalore Municipal Law, 1897, as continued by the Retroceded Area (Application of Laws) Act, 1948 (LVII of 1948). ...	The whole.
1947	XXXI	The Bangalore Municipal Law (Amendment) Act, 1947 ...	The whole.

SCHEDULE II.

RULES REGARDING PROCEEDINGS OF THE CORPORATION AND COMMITTEES.

(*See section 33*).

The Corporation.

1. In these rules, 'member' means both a councillor and an alderman.

2. The corporation shall meet in the municipal office for the transaction of business at least once in every month upon such day and at such hour as it may arrange and also at other times as often as a meeting may be convened by the Mayor.

3. (1) No meeting shall be held unless at least six clear days before the day of the meeting.—

(*a*) notice of the day and hour when the meeting is to be held and of the business to be transacted thereat has been given to the members, and

(*b*) notice of the day and hour of the meeting has been given by advertisement in the local newspapers.

(2) In cases of urgency, the mayor may convene a meeting after giving to the members shorter notice than that specified in sub-rule (1). In such cases, notice of the day and hour of the meeting shall be published in such manner as the mayor may deem most expedient.

4. At an ordinary meeting held in each of the months of April, June, August, October, December and February, the mayor shall place before the corporation a statement of receipts and disbursements on account of the municipal fund from the close of the last preceding year up to the close of the month before that in which the meeting takes place.

5. (1) The Mayor shall call a special meeting on receiving a request in writing signed by not less than twelve members specifying the resolution which it is proposed to move.

(2) No special meeting shall be held unless at least four clear days' notice, specifying the purpose for which such meeting is to be held and the date and hour thereof, has been given by a separate communication addressed to each member and by advertisement in the local newspapers.

6. If the offices of mayor and deputy mayor are vacant the duties assigned to the Mayor by rules 2 to 5 shall be performed by the commissioner.

7. All meetings of the corporation shall be open to the public, provided that the mayor, deputy mayor or presiding member may direct that the public generally or any particular person shall withdraw.

8. All questions which may come before the corporaion at any meeting shall be decided by a majority of the members ptresent and voting at the meeting and in every case of equality of votes, the Mayor, Deputy Mayor or presiding member shall have and exercise a second or casting vote.

9. No business shall be transacted at any meeting unless there be present at least twenty members.

10. No resolution of the corporation shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the corporation supported by not less than thirty members.

11. (1) Minutes of the proceedings of the corporation shall be entered in a book to be called the minute-book, and shall be signed by the Mayor, Deputy Mayor or presiding member after each meeting.

(2) The minute book shall be open at the municipal office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of eight annas.

12. (1) The corporation may appoint from among its own number committees for the purpose of inquiring into and reporting on any matter which is reserved by this Act for the decision of the corporation.

(2) By a resolution supported by not less than thirty members the corporation may add to any committee so appointed persons who are not members, but who may possess special qualifications in regard to the matter to be inquired into: Provided that the number of persons so appointed shall not exceed one half of the number of members appointed to serve on the committee. All the provisions of this Act relating to the duties, powers, liabilities, disqualification and disabilities of members shall, save as regards the disqualification on the ground of residence or of being a Government servant, be applicable, as far as may be, to such persons.

(3) The proceedings of every such committee shall be recorded in writing and submitted to the corporation.

13. The commissioner may grant copies of the proceedings and records of the corporation and the standing committees on payment of such fees as the corporation may by general or special order determine. Copies shall be certified by the commissioner as provided in section 76 of the Indian Evidence Act, 1872; and copies so certified may be used to prove the records of the corporation in the same manner as they may, under sub-section (5) of section 78 of the said Act, be used to prove the proceedings of that body.

The Standing Committees.

14. Each standing committee shall meet at the municipal office at least once a month on such day and at such hour as the committee shall from time to time determine.

15. The chairman of a standing committee may, at any time, call a meeting of the committee and shall do so within forty-eight hours of the receipt of a requisition signed by the commissioner or by three members of the committee and stating the business to be transacted.

16. No business shall be transacted at any meeting of a standing committee unless there is a quorum of three.

17. All questions which may come before a standing committee at any meeting shall be decided by the majority of the members present and voting at the meeting and in every case of equality of votes, the chairman or presiding member shall have and exercise a second or casting vote.

18. (1) All minutes of the proceedings of each standing committee shall be entered in a book and shall be signed by the chairman or presiding member after each meeting.

(2) The minutes book shall be placed before the corporation at such times as it may appoint.

19. In any case in which two or more standing committees have passed conflicting decisions, and such conflict has not been adjusted or otherwise dealt with by a conference of such committees or a joint committee as provided in sub-section (1) to section 20, the commissioner shall submit a report to the Mayor who shall place the subject before a meeting of the corporation and pending the resolution of the corporation, the commissioner shall withhold all action in regard to the matter at issue.

20. Any member of a standing committee, other than the Mayor who fails to attend four consecutive meetings, shall cease to be a member of it, but may be re-elected by the corporation.

SCHEDULE III.

TAXATION RULES.

(See section 141).

PART I.

Provisions common to taxes in general.

1. (1) The commissioner shall prepare and keep assessment books in such form and in such parts and sections as he thinks fit, showing the persons and property liable to taxation under this Act.

(2) The assessment books and where detailed particulars relating to any assessment are kept in separate records, the portion thereof containing such particulars shall be open at all reasonable times and without charge to inspection by any person who pays any tax to the corporation or his authorised agent and such person or agent shall be neritled to take extracts free of charge from the said books and tecords.

(3) The account books of the corporation shall be open without charge to inspection by any person who pays any tax to the corporation or his authorised agent on a day or days in each month to be fixed by the corporation.

2. The commissioner shall, save as otherwise provided in this Act, determine the tax to which each property or person is liable :

Provided that in the case of taxes payable by the commissioner the original assessment shall be made by the Mayor.

3 (1) The commissioner shall give to every person making payment of a tax a receipt therefor signed by him or some person duly authorised by him in that behalf.

(2) Such receipt shall specify—

(*a*) the date of the grant thereof ;
(*b*) the name of the person to whom it is granted ;
(*c*) the tax in respect of which payment has been made and in thecase of property tax, also the property in respect of payment has been made ;
(*d*) the period for which payment has been made ; and
(*e*) the amount paid.

PART II.

Assessment of the Property Tax.

4. The commissioner shall enter in the assessment books the annual value of all lands and buildings and the tax payble thereon. Such books shall also record the following particulars with regard to each assessable item—

(i) the serial number, description and name (if any) of the item ;
(ii) the name of the division and of the street, if any, in which it is situated and any survey or other number which it bears ;
(iii) the name of the owner ;
(iv) the name of the occupier ;
(v) the annual value or the extent as the case may be ; and
(vi) the amount of the tax payable.

5. The assessment books shall be completely revised by the commissioner once in every five years.

6. An assessment once made shall continue in force until it is revised and until the revised assessment takes effect.

7. When assessment books have been prepared for the first time and whenever a general revision of such books has been completed the commissioner shall give public notice—

(*a*) specifying the time when and the place where the books may be inspected ; and

(*b*) stating that revision petitions will be considered if they reach the municipal office within thirty days from the date of such notice in the case of the Government, a railway administration or a company and fifteen days from the said date in other cases :

Provided that in every case where there is an enhancement in the assessment, the commissioner shall also cause intimation thereof to be given by a special notice to be served on the owner or occupier of the property concerned :

Provided further that in every case where a special notice is required to be served on the owner or occupier under the first proviso, the period of thirty days and fifteen days referred to in clause (*b*) shall be calculated from the date of service of such special notice.

8. The commissioner may, after giving notice to the parties concerned and hearing their objections, if any, amend the property tax assessment books at any time between one general revision and another by inserting therein or removing therefrom any property or by altering the valuation of any property or the amount of tax. Such amendment shall be deemed to have taken effect on the first day of the half-year in which it is made :

Provided that when the amendment is made in any half-year after the demand notice for that half-year has been issued, it shall have effect only from the succeeding half-year.

9. In every case in which between one general revision and another the commissioner assesses any property for the first time or increases the assessment on any property otherwise than in consequence of a general enhancement of the rate at which the property tax is leviable, the commissioner shall intimate by a special notice to the owner or occupier of such property that a petition for revising the assessment will be considered if it reaches the municipal office within thirty days from the date of service of such notice in the case of Government, a railway administration or a company and within fifteen days from the said date in other cases.

10. Any person may, at any time, not being less than thirty days before the end of a half-year, move the commissioner by revision petition to reduce the tax to which he is liable for the forthcoming half-year on the ground that the annual value of the property in respect of which the tax is imposed has decreased since the assessment of the property was last made or revised.

11. No petition under rule 7, 9 or 10 shall be disposed of unless the petitioner has been given a reasonable opportunity to appear either in person or by authorised agent and to represent his case.

12. Immediately after the disposal of a revision petition, the commissioner shall inform the petitioner or his authorised agent, in writing, of the orders passed thereon, shall direct him to pay the amount fixed on revision within fifteen days after the date of receipt of such intimation or if the amount is not already due, within fifteen days from the date on which it becomes due, and shall, if necessary, cause the assessment books to be corrected.

13. (1) A general revision shall be deemed to have taken effect on the first day of the half-year following that in which the notice under rule 7 is published or in a case where a special notice is required to be served on the owner or occupier of the property under the first proviso to that rule, on the first day of the half-year following that in which such special notice is served on the owner or occupier of the property.

(2) Any correction in the assessment books made by the commissioner under rule 12 or rule 26 shall be deemed to have effect on the first day of the half-year, to which the assessment which was sought to be revised or which was appealed against relates.

Explanation.—The levy of a new class of property tax or an enhancement in the rate at which any class of property tax is leviable is no amendment or revision within the meaning of this rule and shall have effect from the day fixed for the levy or enhancement.

14. The first payment of tax shall, save as provided in rule 12, be made within thirty days of the day specified in rule 13.

PART III.

Assessment for Profession Tax.

(*See section 112*).

15. Persons shall be assessed by the commissioner to the profession tax under the following classes on a scale to be determined by the Corporation from time to time :

Provided that such scale shall be subject to the maximum and minimum specified against each class and shall proceed proportionately either to the maximum or the minimum scale :—

	Half-yearly			
	Maximum		*Minimum*	
	Rs.	a.	Rs.	a
Class I.				
1. All persons holding any appointment upon a monthly salary of five thousand rupees or upwards. 2. All other persons (exercising any profession, art or calling or transacting business) or their agents or servants in their absence.	500	0	350	0
Class II.				
1. All persons holding any appointment upon a monthly salary which amounts to three thousand or upwards but is less than five thousand rupees. 2. All other persons described in class I, but not assessed under class I.	300	0	210	0
Class III.				
1. All persons holding any appointment upon a monthly salary which amounts to two thousand or upwards but is less than three thousand rupees. 2. All other persons described in class I, but not assessed under class I or II.	200	0	140	0

	Half-yearly			
	Maximum		Minimum	
	Rs.	a.	Rs.	a.
Class IV.				
1. All persons holding any appointment upon a monthly salary which amounts to one thousand or upwards but is less than two thousand rupees. 2. All other persons described in class I, but not assessed under any of the previous classes.	90	0	60	0
Class V.				
1. All persons holding any appointment upon a monthly salary which amounts to seven hundred and fifty or upwards but is less than one thousand rupees. 2. All other persons described in class I, but not assessed under any of the previous classes.	45	0	30	0
Class VI.				
1. All persons holding any appointment upon a monthly salary which amounts to five hundred or upwards but is less than seven hundred and fifty rupees. 2. All other persons described in class I, but not assessed under any of the previous classes.	30	0	20	0
Class VII.				
1. All persons holding any appointment upon a monthly salary which amounts to two hundred or upwards but is less than five hundred rupees. 2. All other persons described in class I. but not assessed under any of the previous classes.	12	0	8	0
Class VIII.				
1. All persons holding any appointment upon a monthly salary which amounts to one hundred or upwards but is less than two hundred rupees. 2. All other persons described in class I, but not assessed under any of the previous classes.	5	0	4	0
Class IX.				
All hotel-keepers, lodging, boarding or eating or refreshment-house keepers and shop-keepers not assessed under any of the previous classes.	1	0	0	8

16. (1) The commissioner may classify all persons liable under rule 15, but not in receipt of a fixed salary or remuneration, on general considerations with reference to the nature and reputed value of their business, the size and rental of residential and business premises, the quantity of articles dealt with, the number of persons employed and the income-tax paid to Government. The commissioner shall not call for accounts of any assessee, but any person may produce his accounts to show that the net income derived by him (from the exercise of his profession, art, or calling or the transaction of his business) within the City falls below the lowest limit of salary entered at the head of the class in which the commissioner has placed him and the commissioner shall revise the assessment if satisfied that the person should be placed in a different class.

(2) The commissioner may exempt any person falling within the ninth class on the ground of his poverty.

PART IV.

Tax on Carriages and Animals.

(See section 118).

17. (1) The tax on carriages and animals shall be levied at rates not exceeding the following:—

Tax on carriages and animals	*Maximum half-yearly tax*
	Rs.
For every four-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals ...	10
For every two-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals ...	5
For every bicycle or tricycle	2
For every other vehicle with springs or other appliances acting as springs not being a child's perambulator or go-cart.	3
For every elephant	12
For every camel	6
For every horse or mule not under 12 hands ...	6
For every horse or mule under 12 hands ...	2
For every bull, bullock, male buffalo, pig, goat, ass or dog	1

(2) If within the half-year a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in sub-rule (1), the said person, in case the replacement was due to the destruction of the carriage or the death of the animal and if he had possession, custody or control of the carriage or animal so replaced at the time of its destruction or death shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of days for which the

decision of the Taxation Appeals Committee or the adjudication by the District Court on the appeal, as the case may be, shall be final:

Provided that where any assessment or demand is not in accordance with the assessment books, nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith.

PART VI.

Collection of Taxes.

(See section 141.)

28. (1) Where any tax, not being a tax in respect of which a notice has to be served under section 114 or section 122 or a direction has to be given under rule 12, is due from any person the commissioner shall cause to be served upon or sent to such person a bill for the sum due before proceeding to enforce the provisions of rule 29.

(2) A notice under section 114 or section 122 and a bill under sub-rule (1) shall be signed by the commissioner and shall contain—

(*a*) a statement of the period and a description of the occupation, property or thing for which the tax is charged and other particulars of the demand, and

(*b*) notice of the liability which may be incurred in default of payment.

(3) Where a notice, bill or direction referred to in sub-rule (1) has not been served or given either in the half-year in which the tax became due or in the succeeding half-year, the tax for the half-year first mentioned in this sub-rule shall not be demanded.

29. (1) If the amount due on account of any tax is not paid within fifteen days from the service of the notice or bill or the giving of the direction, referred to in section 114 or section 122 or rule 12 or rule 28 and if the person from whom the tax is due has not shown cause to the satisfaction of the commissioner why it should not be paid, the commissioner may recover by distraint under his warrant and sale of the movable property of the defaulter or if the defaulter is the occupier of any building or land in respect of which a tax is due, by distress and sale of any movable property which may be found in or on such building or land, the amount due on account of the tax together with the warrant fee and distraint fee and with such further sums as will satisfy the probable charges that will be incurred in connection with the detention and sale of the property so distrained:

Provided always that movable property described in the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1911, shall not be liable to distraint.

(2) If for any reason the distraint, or a sufficient distraint, of the defaulter's property is impracticable the commissioner may prosecute the defaulter before a magistrate.

(3) Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any tax, duty or other amount due to it under this Act.

16. (1) The commissioner may classify all persons liable under rule 15, but not in receipt of a fixed salary or remuneration, on general considerations with reference to the nature and reputed value of their business, the size and rental of residential and business premises, the quantity of articles dealt with, the number of persons employed and the income-tax paid to Government. The commissioner shall not call for accounts of any assessee, but any person may produce his accounts to show that the net income derived by him (from the exercise of his profession, art, or calling or the transaction of his business) within the City falls below the lowest limit of salary entered at the head of the class in which the commissioner has placed him and the commissioner shall revise the assessment if satisfied that the person should be placed in a different class.

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For every other vehicle with springs or other appliances acting as springs not being a child's perambulator or go-cart.	3
For every elephant	12
For every camel	6
For every horse or mule not under 12 hands ...	6
For every horse or mule under 12 hands ...	2
For every bull, bullock, male buffalo, pig, goat, ass or dog	1

(2) If within the half-year a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in sub-rule (1), the said person, in case the replacement was due to the destruction of the carriage or the death of the animal and if he had possession, custody or control of the carriage or animal so replaced at the time of its destruction or death shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of days for which the

decision of the Taxation Appeals Committee or the adjudication by the District Court on the appeal, as the case may be, shall be final:

Provided that where any assessment or demand is not in accordance with the assessment books, nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith.

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(*b*) notice of the liability which may be incurred in default of payment.

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29. (1) If the amount due on account of any tax is not paid within fifteen days from the service of the notice or bill or the giving of the direction, referred to in section 114 or section 122 or rule 12 or rule 28 and if the person from whom the tax is due has not shown cause to the satisfaction of the commissioner why it should not be paid, the commissioner may recover by distraint under his warrant and sale of the movable property of the defaulter or if the defaulter is the occupier of any building or land in respect of which a tax is due, by distress and sale of any movable property which may be found in or on such building or land, the amount due on account of the tax together with the warrant fee and distraint fee and with such further sums as will satisfy the probable charges that will be incurred in connection with the detention and sale of the property so distrained:

Provided always that movable property described in the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1911, shall not be liable to distraint.

(2) If for any reason the distraint, or a sufficient distraint, of the defaulter's property is impracticable the commissioner may prosecute the defaulter before a magistrate.

(3) Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any tax, duty or other amount due to it under this Act.

30. Under a special order in writing of the commissioner any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure and if after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated to women until he has given three hours' notice of his intention and has given such women an opportunity to withdraw.

31. The officer charged with the execution of a warrant, shall, before making a distraint, demand payment of the tax due and the warrant fee. If the tax and fee are paid no distraint shall be made but if the tax or fee is not paid, the officer shall—

(*a*) seize such movable property of the defaulter as he may think necessary;

(*b*) make an inventory of the property seized; and

(*c*) give to the person in possession of the property seized at the time of seizure a copy of the inventory and the notice of sale:

Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.

32. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal to the value to the tax due by the defaulter, together with all expenses incidental to the warrant, distraint, dentention and sale.

33. (1) If the amount due by the defaulter on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention of the property are not paid within the period of seven days mentioned in the notice given under rule 31 and if the distraint warrant is not suspended by the Commissioner, the property seized or a sufficient portion, thereof shall be sold by public auction under the orders of the commissioner who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property was at the time of seizure any property or sum which may remain after the sale and the application of the proceeds thereof as aforesaid if application is made by such person within twelve months from the date of the sale. If no such application is made, the property or sum so remaining shall be forfeited to the corporation. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the commissioner may again proceed under rules 29 and 30 in respect of the sum remaining unpaid.

(2) When the property seized is perishable or subject to speedy and natural decay or if the expense of keeping it will, together with the amount of tax due, exceed the value of the property, the commissioner may sell it at any time before the expiry of the said period of seven days unless the amount due is sooner paid.

PART VII.

Miscellaneous.

(*See Section 141*).

40. The commissioner shall keep separate accounts of all moneys received and expended for any purpose connected with—

(*a*) the water tax;
(*b*) the drainage tax; and
(*c*) the lighting tax.

41. In these rules the expression 'tax' includes payments due by way of composition for a tax.

SCHEDULE IV.

FINANCIAL RULES.

(*See Section 144*).

PART I.

Authorised Expenditure.

1. The purposes to which the municipal fund may be applied include all objects expressly declared obligatory or discretionary by laws or rules, and in general everything necessary for or conducive to the safety, health, convenience or education of the citizens of Bangalore or to the amenities of the city and everything incidental to the administration and the fund shall be applicable thereto within the city subject to these rules and such further rules or special orders as the Government may prescribe or issue; and shall be applicable thereto outside the city if the expenditure is authorized by this Act or specially sanctioned by the Government.

2. The objects of expenditure connected with the public safety include the following :—

(*a*) Lighting of public streets and the provision, purchase, exploitation and maintenance of gas, electric or other undertakings for lighting public and private streets, places and buildings;

(*b*) Extinction of fires;

(*c*) Control, supervision or removal of dangerous places, buildings, trades and practices;

(*d*) Regulation of traffic;

(*e*) Prevention and removal of obstructions in streets or public places.

3. The objects of expenditure connected with the public health include the following:—

(*a*) The construction and maintenance of hospitals and dispensaries and temporary places of reception within or without the city for

30. Under a special order in writing of the commissioner any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure and if after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated to women until he has given three hours' notice of his intention and has given such women an opportunity to withdraw.

31. The officer charged with the execution of a warrant, shall, before making a distraint, demand payment of the tax due and the warrant fee. If the tax and fee are paid no distraint shall be made but if the tax or fee is not paid, the officer shall—

(*a*) seize such movable property of the defaulter as he may think necessary;

(*b*) make an inventory of the property seized; and

(*c*) give to the person in possession of the property seized at the time of seizure a copy of the inventory and the notice of sale:

Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.

32. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal to the value to the tax due by the defaulter, together with all expenses incidental to the warrant, distraint, dentention and sale.

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(2) When the property seized is perishable or subject to speedy and natural decay or if the expense of keeping it will, together with the amount of tax due, exceed the value of the property, the commissioner may sell it at any time before the expiry of the said period of seven days unless the amount due is sooner paid.

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2. The objects of expenditure connected with the public safety include the following :—

(*a*) Lighting of public streets and the provision, purchase, exploitation and maintenance of gas, electric or other undertakings for lighting public and private streets, places and buildings;

(*b*) Extinction of fires;

(*c*) Control, supervision or removal of dangerous places, buildings, trades and practices;

(*d*) Regulation of traffic;

(*e*) Prevention and removal of obstructions in streets or public places.

3. The objects of expenditure connected with the public health include the following:—

(*a*) The construction and maintenance of hospitals and dispensaries and temporary places of reception within or without the city for

the treatment of infectious diseases occurring in the city; building hospitals and dispensaries and places of reception for the sick in general; contributing towards hospitals, dispensaries or places of reception provided by the Government; contracting for the use of a hospital or part of a hospital, dispensary, or place of reception; combining with any other local authority or with the Government to provide a common hospital, dispensary or place of reception; and sending indigent inhabitants of the city to institutions outside the city for treatment; the training of health officers, medical practitioners, medical subordinates, sanitary inspectors and analysts; the training of midwives and nurses and the provision of nurses for attendance on patients suffering from infectious diseases at the houses of such persons; the provision of health visitors, midwives and dhais for attendance on maternity cases; vaccination and the training and supervision of vaccinators and the provision of lymph; the registration of births, deaths and marriages; the enumeration of the inhabitants of the city; and other measures of a like nature;

(*b*) The construction, establishment, maintenance, supervision and control of public markets and slaughter houses; of shops, stalls, and plinths; of latrines; of drains and drainage works; of sewage farms and all works for the removal or disposal of sewage; of tramways; of water works, drinking fountains, tanks and wells; of wash-houses or dhobikhans: of parks, squares and gardens; the reclamation of unhealthy localities; and other sanitary measures of a like nature;

(*c*) The cleansing and watering of streets and drains; scavenging, the removal of excessive or noxious vegetation; the abatement of all nuisances;

(*d*) The regulation and control of offensive or dangerous trades, of unhealthy buildings or localities and of burial and burning grounds and crematoria; improvement of burial and burning grounds and crematoria and the provision of sites for and the closing of burial and burning grounds; the provision of new sites for offensive and dangerous trades and of special locations for factories; the acquisition of congested areas and the provision of new sites whether within or without municipal limits to relieve congestion or to provide for the growth of population; improvement and reclamation of land, planning, surveying and control of town extensions, whether within or without the municipal limits, redistribution of sites in such extensions; and all measures of a like nature.

4. The objects of expenditure conneed with the public convenience, amenities and education include—

(*a*) The construction, maintenance, diversion and improvement of streets, bridges, causeways, culverts and the like; the regulation of building; the construction of model dwellings, and the encouragement of co-operative building societies by loans, grants of land or prizes, the removal of projections and encroachments; the naming of streets; the numbering of houses; the planting and preservation of trees in public streets and places; the maintenance of public monuments;

(*b*) The construction, maintenance, alteration and adornment of public halls and theatres, the acquisition and maintenance of recreation grounds, playing-fields and promenades:

(*c*) Subject to all provisions of law, the construction, maintenance, purchase or exploitation of tramways and other transport services, railways not included, of telephone systems, grass farms, dairies, public bakeries and other agricultural, industrial or trading concerns of public utility, whether within or without the municipal limits and whether or not in combination with other authorities or persons, and subscription to debenture loans of any such concern;

(*d*) The employment of veterinary officers, the prevention of diseases of animals, the provision of places for the treatment of sick animals and the prevention of cruelty to animals;

(*e*) The provision and maintenance of zoological and horticultural gardens;

(*f*) The provision and maintenance of public libraries and reading rooms, museums, art galleries, gymnasia or any other institutions connected with the diffusion of mental or physical culture;

(*g*) The provision and maintenance of public baths and bathing places;

(*h*) The provision of music for the people;

(*i*) The provision and maintenance of public clocks and clock-towers or of a time gun;

(*j*) The construction and maintenance of school houses;

(*k*) Technical and industrial education;

(*l*) The training of teachers;

(*m*) The provision of standard weights, scales and measures and of public weighing places;

(*n*) The holding of exhibitions or fairs;

(*o*) The provision and maintenance of rest-houses, choultries, alms houses, poor houses, homes or settlements for beggars, work-houses, infirmaries and children's homes, pounds and other works of public utility.

(*p*) The organisation and maintenance of health associations and the provision and organisation of health propaganda work in slums and other areas;

(*q*) The organisation and maintenance of maternity and child welfare centres and associations for the prevention of juvenile smoking and cruelty to children, and training of health visitors;

(*r*) The provision and maintenance of rescue homes.

5. The objects of expenditure incidental to the administration include—

(*a*) The provision and maintenance of a principal municipal office and record room and of other offices with the cost of appurtenances and fittings and insurance;

(*b*) Salaries, allowances, liveries, pensionary and provident fund contributions, gratuities and pensions and the cost or hire of vehicles for the commissioner and the municipal officers and servants study leave allowances of professional officers and subordinates; sending municipal servants to any hospital or institute for treatment; the purchase of provisions and other necessaries for sale to municipal subordinates.

Explanation.—' Salary ' for the purpose of this rule shall include the privilege, if any, granted by the corporation of receiving payments in kind in lieu of the whole or a portion of the salary by purchasing

articles from the corporation at such prices as the corporation may fix from time to time.

(c) Stationery, printing and all office and advertising expenses including the cost of reporting the discussions of the corporation;

(d) Legal expenses;

(e) Election expenses;

(f) Auditor's fees;

(g) The provision and maintenance of municipal workshops;

(h) Municipal surveys, the preparation of maps of the city and of proposed extensions;

(i) The preparation and maintenance of record of rights in immovable property;

(j) The acquisition of land for all or any of the purposes of the Act.

6. With the previous sanction of the Government the corporation may—

(a) upon any of the public streets in Bangalore, or upon any land in or without Bangalore which is vested in the corporation, construct or maintain any railway which may appear to the corporation to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act,

(b) use and employ upon any such railway, locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby,

(c) carry and convey passengers and goods upon any such railway,

(d) make such reasonable charges in respect of such passengers or goods as the corporation may from time to time determine,

(e) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway in or without Bangalore,

(f) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to, or controlled by such person upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon;

(g) lease any such railway to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon

Explanation.—The term 'railways' in this rule does not include 'tramways.'

7. The commissioner may, with the sanction of the corporation, contribute towards the expenses of any public exhibition, ceremony or entertainment in the city.

8. The commissioner may, with the sanction of the corporation, defray the cost of the preparation and presentation of address to persons of distinction.

9. The commissioner may, with the sanction of the corporation and of the Government, contribute to any fund for the defence of the city, Mysore or India, to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of the diseased or infirm persons or the investigation of the causes of disease or incur any other extraordinary charges.

PART II.

10. All moneys received by the corporation shall be lodged in such bank or treasury as the Government may by order direct and shall be credited to an account entitled the 'Municipal Fund Account.':

Provided that any such moneys, may with the sanction of the Government—

(i) be invested in any of the securities which may be approved by the Government; or

(ii) be placed on a fixed deposit in any bank approved by the Government.

11. (1) All orders or cheques against the municipal fund shall be signed by the commissioner or in his absence by the revenue officer, and the bank or treasury in which the fund is lodged shall, so far as the funds to the credit of the corporation admit, pay all orders or cheques against the fund which are so signed.

(2) If the corporation shall have given previous authority in writing, such bank or treasury may at once pay out of the municipal fund without such order or cheque any expense which the Government have incurred on behalf of the corporation.

12. The payment of any sum out of the municipal fund may be made or authorised by the commissioner if such sum is covered by a budget grant and sufficient balance of such budget grant is available.

13. The payment of any sum out of the municipal fund may be made or authorised by the commissioner in the absence of budget provision in the case of—

(*a*) refunds of taxes, and other moneys authorised by law, rule, bye-law or regulation;

(*b*) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*c*) costs incurred by the commissioner in the exercise of his powers under section 11 of the Act;

(*d*) sums payable under section 46, sub-section (1), clause (c) and section 140, sub-section (2) of the Act;

(*e*) sums payable under a decree or order of a civil court passed against the corporation or under a compromise of any suit or legal proceeding or claim;

(*f*) any sum which the commissioner is required by law, rule, bye-law or regulation to pay by way of compensation or expenses;

(*g*) the salary payable to a special health officer appointed under section 89 of the Act;

(*h*) expenses incurred by the commissioner under section 379, sub-section (3), and expenses lawfully incurred in anticipation of recoupment from a person liable under any provision of law:

Provided that the commissioner shall forthwith communicate the circumstances to the standing committee which shall take any action that may in the circumstances be necessary or expedient to cover any expenditure not covered by a budget grant.

14. The commissioner shall not overdraw.

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PART III.

Audit, Surcharges and Disallowance.

15. The auditors appointed under section 143 shall maintain and keep a continuous audit of the municipal accounts.

16. (1) The commissioner shall submit all accounts to the auditors as required by them.

(2) The commissioner shall make ready the annual accounts and registers and produce them before the auditors for scrutiny not later than the first day of October in the year succeeding that to which such accounts and registers relate.

17. The auditors may—

(*a*) by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of the accounts;

(*b*) by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them;

(*c*) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

18. The auditors shall—

(*a*) report to the standing committee any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the corporation or in the municipal accounts;

(*b*) furnish to the standing committee such information as the said committee may require concerning the progress of their audit;

(*c*) report to the standing committee any loss or waste of money or other property owned by or vested in the corporation causey by neglect or misconduct, with the names of persons, directly or indirectly responsible, for such loss or waste; and

(*d*) submit to the standing committee a final statement of the audit and a duplicate copy thereof to the Government within a period of three months from the end of the financial year, or within such other period as the Government may notify.

19. (1) The standing committee shall forthwith remedy and defects or irregularities that may be pointed out by the auditors and report the same to the corporation.

(2) The corporation shall submit its remarks on the audit report, if any, to the Government through the Comptroller within six months after the receipt of the report by the corporation.

20. (1) The auditors may disallow every item contrary to law and surcharge the same on the person making or authorising the making of the illegal payment; and may charge against any person responsible therefor, the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

(2) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and furnish by registered post a copy thereof to the person against whom it is made.

(3) If the person to whom a copy of the auditor's decision is so furnished refuses to receive it, he shall nevertheless be deemed to have been duly furnished with a copy of such decision within the meaning of sub-rule (2). The period of fourteen days fixed in rules 21 and 22 shall be calculated from the date of such refusal.

22. Any person aggrieved by disallowance, surcharge or charge made may, within fourteen days after he has received or been served with the decision of the auditor, either (*a*) apply to the District Court, Bangalore Division, to set aside such disallowance, surcharge or charge and the court, after taking such evidence as is necessary, may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances, or,

(*b*) in lieu of such application, appeal to the Government who shall pass such orders as they think fit.

23. Every sum certified to be due from any person by auditors under this Act shall be paid by such person to the commissioner within fourteen days after the intimation to him of the decision of the auditors unless within that time such person has appealed to the court or to the Government against the decision ; and such sum if not so paid, or such sum as the Court or the Government shall declare to be due, shall be recoverable on an application made by the commissioner to the court in the same way as an amount decreed by the court.

24. The corporation shall pay to the auditors out of the municipal fund such remuneration as the Government may determine.

PART IV.

Form of Accounts.

25. The corporation shall make regulations, subject to the approval of the Government, to provide for—

(*a*) the form in which the budget estimates, budget statements and returns of the corporation shall be kept; and

(*b*) the form in which the accounts of the corporation shall be kept.

SCHEDULE V.

PURPOSES FOR WHICH PREMISES MAY NOT UNDER SECTION 324 BE USED WITHOUT A LICENSE.

(See *Section 324.*)

Aerated waters—Manufacturing.

Ammunition—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Articles made of flour—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Ashes—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or sifting.

Biscuits—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Blood—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bread—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Bricks—Manufacturing.

Camphor—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Carpets—Manufacturing.

Catgut—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cement—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal—Dumping, sifting, selling or storing.

Chemical preparations—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Chillies—Grinding by machinery.

Chillies (dried)—Selling wholesale or storing for wholesale trade.

Chlorate mixture—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or sifting.

Clothes—Dyeing.

Coal—Dumping, sifting, selling or storing.

Cocoanut fibre—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Combustible material—Storing.

Combustibles—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Condiments—Manufacturing.

Confectionery—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Cotton, cotton refuse, cotton seed—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cowdung cakes—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Explosive—Storing.

Fibre—Selling or storing.

Fat—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fins—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Firewood—Selling or storing.

Fireworks—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fishoil—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flax—Storing, packing, pressing, cleansing preparing or manufacturing by any process whatever.

Fleshings—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flour—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fuel—Using for any industrial purpose.

Fulminate of mercury—Storing, packing, pressing, cleansing preparing or manufacturing by any process whatever.

Garlic—Storing or packing.

Gas—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ghee—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gold—Refining.

Grain—Selling wholesale or storing for wholesale trade.

Gram—Husking by machinery.

Grass—Selling or storing.

Groundnut—Selling wholesale or storing for wholesale trade.

Gun cotton—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gunny-bag—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gun-powder—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hair—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Hay—Selling or storing.

Hemp—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hides—Storing, packing, pressing, cleansing, preparing or manufacturing by anyprocess whatever.

Hoofs—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Horns—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ice—Manufacturing.

Jaggery—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, or selling wholesale.

Jute—Storing, packing, pressing, cleansing, pressing, preparing or manufacturing by any process whatever.

Kalthi—Preparing.

Lac—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lead—Melting.

Leather—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lime—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Limeshells—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Manure—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Machinery—Using for any industrial purpose.

Matches—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Meat—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Metals—Beating, breaking, hammering, casting, etc.

Nitro-compound—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-glycerine—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-mixture—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Oil—Storing, packing pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Oil-cloth—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Onions—Storing or packing.

Paddy—Boiling or husking by machinery.

Paper—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Petroleum products—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever in quantities not exceeding three gallons provided that no license shall be required for storing petroleum in accordance with the provisions of the Mysore Petroleum Act, 1942, or the Petroleum Act, 1934, as the case may be, or the rules issued or the notifications published under those Acts.

Pitch—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Rags—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Resin (including rosin)—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Sago—Manufacturing or distilling.

Saltpetre—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai—Powdering by machinery.

Shellac—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Silk—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Spirits—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Straw—Selling or storing.

Sugar—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Sugarcandy—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Sulphur—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, or melting.

Surki—Storing, packing pressing, cleansing, preparing or manufacturing by any process whatever.

Sweetmeats—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Tallow—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tar—Storing, packing, pressing cleansing, preparing or manufacturing by any process whatever.

Thatching materials—Selling or storing.

Tiles—Manufacturing.

Timber—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies)—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Wool—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn—Dyeing.

Provided that no license shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the commissioner.

Gilding or electro-plating.

Keeping a shaving or hair—dressing saloon.

Keeping together pigs, or twenty or more sheep or goats or ten or more head of cattle.

Manufacturing articles from which offensive or un-wholesome smells, fumes, dust or noise arise.

Washing soiled clothes and keeping soiled clothes for the purpose of washing them and keeping washed clothes.

In general, any purpose or the doing in the course of any industrial process anything which in the opinion of the commissioner is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

SCHEDULE VI.

ORDINARY PENALTIES.

[See *Section 405 (1)*].

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
36	(1)	Interested councillor or alderman voting or taking part in discussion.	Two hundred rupees
107	(1) & (3)	Failure to give notice of transfer of title or to produce documents.	Fifty rupees.
108	(1)	Failure to send notice to commissioner after completion of construction or reconstruction of building.	Do
111	(1)	Failure of owner or occupier to furnish return of rent, etc.	One hundred rupees
116	...	Failure of owner or occupier to comply with requisition to furnish list of persons carrying on profession, art, etc.	Do
117	...	Failure of employer or head of an office, firm or company to comply with requisition to furnish list of persons in his employ.	Do
122	...	Failure of occupier to comply with requisition to furnish statement of vehicles and animals liable to taxation or furnishing incorrect statement, etc.	Ten rupees
122A	(2)	Failure of person liable to pay tax on carriages and animals to comply with requisition to furnish statements of vehicles and animals or furnishing incorrect statement.	Do
124	(1) & (2)	Failure to comply with order to affix and register number of carriage.	Do
125	(2)	Failure of owner to register cart ...	Do
	(3)	Failure to have or keep registration number affixed to cart.	Do
130	(2)	Importation of timber into the city without payment of the tax due thereon.	One hundred rupees
169	...	Trespassing on premises connected with water supply.	Fifty rupees
171	...	Failure to maintain house connections in conformity with bye-laws.	o
172	(2) & (4)	Failure to comply with requisition to make house connection.	Do

SCHEDULE—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
172	(3)	Occupying or allowing occupation of house without proper water supply.	Fifty rupees
181	...	Failure to maintain house-drains, etc., in conformity with bye-laws.	Do
182	(2) & (3)	Failure to comply with requisition as to house drainage.	Do
"	(4)	Occupying or allowing occupation of house without proper drainage.	Two hundred rupees
184	1 (b)	Failure to comply with direction as to limited use of drain or notice requiring construction of distinct drain.	Fifty rupees.
185	(1)	Unlawful construction of building over public drain.	One hundred rupees
186	...	Failure to comply with requisition regarding culverts or to keep them free from obstruction.	Fifty rupees.
187	...	Failure to comply with requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Do
189	(2)	Keeping of public latrine without licence.	Do
"	(3)	Allowing public latrine to be in unclean condition or improper order.	Do
190	...	Failure to comply with requisition to provide latrine or to remove latrine to another side and failure to keep latrines clean and in proper order.	Fifty rupees
191	...	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	One hundred rupees
192	...	Failure to comply with requisition to provide latrines for market, cattleshed, or cart-stand, or to keep them clean and in proper order.	Do
193	...	Failure to construct latrines so as to screen persons using them from view.	Twenty rupees
195	...	Making connection with mains without permission.	Two hundred rupees
199	(1)	Failure of occupier to comply with direction to collect rubbish and filth and deposit them in a box or basket or other receptacle of his own at or near premises.	Ten rupees

SCHEDULE—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
199	(2)	Failure to comply with direction to collect rubbish and filth accumulating in latrines and to deposit in municipal carts.	Ten rupees
"	(3)	Failure to comply with direction to collect rubbish and filth and deposit them in public receptacle.	Do
200	(a)	Failure to comply with direction to collect and remove rubbish and filth accumulating on business premises.	Do
206	(1)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.	Twenty rupees
"	(2)	Irregular deposit of rubbish or filth ...	Ten rupees.
"	(3)	Depositing carcasses of animals, rubbish or filth in improper places.	Twenty rupees
"	(4)	Keeping rubbish or filth for more than twenty-four hours, etc.	Ten rupees.
"	(5)	Allowing filth to flow in streets ...	Twenty rupees
214	...	Building within street alignment or building line without permission.	One thousand rupees.
215	(1)	Failure to comply with orders to set back buildings.	Five hundred rupees
219	...	Unlawful displacement, etc., of pavement or fences, posts and other materials of public streets.	Fifty rupees.
221	...	Failure to provide streets or roads on building sites prior to disposal.	Two hundred rupees
222	...	Unlawful making or laying of new street.	Five hundred rupees
224	...	Failure to comply with requisition to metal, etc., private street.	One hundred rupees
226	...	Building wall or erecting fence, etc., in a street or any public place vested in the control of the corporation.	Do
227	...	Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice.	Twenty rupees
228	...	Failure to remove permanent encroachment.	Two hundred rupees
229	...	Failure to remove temporary encroachment.	Fifty rupees
231	...	Unlawful removal of bar, or storing of timber, etc., or removal or extinction of light.	Do

SCHEDULE—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
232	(1)	Unlawful making of whole or placing of obstruction in street.	Fifty rupees
232	(3)	Failure to remove obstruction	Do
233	...	Construction, etc., of building without licence where street or footway is likely to be obstructed	Do
233	...	Failure to fence, etc., such building while under repair.	Do
234	(3)	Unlawful destruction, etc., of name of street.	Twenty rupees
235	(2)	Unlawful destruction, etc., of number of building.	Do
235	(3)	Failure to replace number when required to do so.	Do
237	(5)	Constructing or reconstructing buildings contrary to declaration issued by corporation.	Two hundred rupees
238	(1)	Failure to comply with requisition to round or splay off buildings at corners of streets.	One hundred rupees
239	...	Construction, reconstruction or retention of external roof, etc., with inflammable materials.	Fifty rupees
260	.	Failure to keep external walls of premises in proper repair.	Twenty rupees
265	...	Failure of owner of keri or hutting ground to comply with requisition to open up passages, etc., to remove hut or to effect improvements.	Two hundred rupees
266	(1)	Failure of owner of keri or hutting ground to comply with requisition to prepare and submit plan.	One hundred rupees
268	...	Construction of new buildings or huts or additions to existing buildings or huts before the preparation and approval of plan.	Two hundred rupees
269	...	Construction of new buildings or huts or additions to existing buildings or huts if situated in sites not marked in the standard plan.	Do
270	(1)	Failure of owner of building or hut to comply with requisition to remove whole or part of it.	Do

SCHEDULE—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
271	(1)	Failure of owner of keri or hutting ground to comply with notice to effect improvements and to conserve or fill up tank, well, etc.	Two hundred rupees.
271	(2)	Erection of new building or hut or making addition to existing building or huts before compliance with notice under sub-section (1).	Do
274	...	Failure of owners of buildings or huts or owners of keri or hutting ground to comply with notice to carry out improvements.	Do
284	(1) & (2)	Failure of owner of land, to maintain in proper order and repair streets, passages, etc., and failure of owner of hut to maintain conveniences made by him.	Two hundred rupees
284	(3)	Failure of tenants to comply with notice to repair street, etc.	One hundred rupees
287	(3)	Failure to remove all buildings or huts ...	Two hundred rupees
287	(5)	Failure of owner of land to comply with notice to carry out improvements.	Do
288	(4)	Erection of hut or portion of hut within street alignment.	One hundred rupees
289	(1)	Failure of owner of land or owners or occupiers of buildings or huts to comply with notice to remove the whole or portion of such buildings or huts;	Two hundred rupees
290	...	Failure of person who erects a masonry building to comply with notice to leave a clear space of 15 feet between the centre line of street or passage or street alignment and the nearest part of such building.	Do
292	...	Failure to comply with requisition to take down, repair or secure dangerous structure.	Five hundred rupees
293	...	Failure to comply with requisition to secure lop or cut down dangerous trees.	Fifty rupees
294	...	Failure to comply with requisition to repair, etc., tank or other place dangerous to passers by or persons living in neighbourhood.	Do

SCHEDULE—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
295	...	Failure to comply with notice regarding precautions against fire.	One hundred rupees
296	(1)	Constructing well, etc., without permission.	Fifty rupees
296	(3)	Failure to comply with notice to fill up or demolish well, etc.	Do
297	...	Failure to comply with requisition to stop dangerous quarrying.	One hundred rupees
298	(1)	Failure to comply with requisition to fill up, etc., tank or well, or drain off water, etc.	Fifty rupees
298	(3)	Cultivating contrary to prohibitions or regulations.	Five hundred rupees
299	...	Failure to comply with requisition to cleanse or close, etc., tanks, well or other source of water used for drinking, bathing or washing clothes.	Fifty rupees
301	...	Defiling water in tanks, etc. ...	Do
302	...	Failure to comply with requisition to enclose, clear or cleanse untenanted premises.	Do
303	...	Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or overgrown with any thick or noxious vegetation.	Do
304	...	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal, ashes, etc.	One hundred rupees
305	...	Failure to comply with requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	Fifty rupees
306	...	Failure to comply with requisition to lime-wash or otherwise cleanse building.	Do
307	...	Failure to comply with requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of masonry building and fifty rupees in the case of hut.
308	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition.	Twenty rupees for each day.

SCHEDULE—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
308	(4)	Failure to comply with requisition to demolish the same.	Twenty rupees per day.
309	(1)	Allowing overcrowding in buildings after order to abate the same.	Do
309	(4)	Failure to comply with requisition to vacate overcrowded building or room.	Do
313	(1)	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.	One hundred rupees
314	(a)	Unlawful keeping of pigs ...	Twenty rupees
314	(b)	Unlawful keeping of animals so as to be a nuisance or dangerous.	Do
314	(c)	Feeding of animals on filth ...	Do
316	...	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Fifty rupees
318	...	Construction of maintenance of stable cattle-shed, etc., contrary to Act or subsidiary legislation.	Do
320	...	Using a public place or the sides of a public street as a cart-stand, etc.	Twenty rupees
322	(1)	Opening or keeping open a new private cart-stand without licence or contrary to licence.	Two hundred rupees
323	...	Failure to remove carcass of animal ...	Twenty rupees
324	(1)	Using a place for any of the purposes specified in Schedule V without licence or contrary to licence.	Two hundred rupees
325	(1), (2) and (3)	Unlawful erection of factory, workshop, workplace or machinery.	One thousand rupees
325	(5)	Disobedience of order regarding chimneys.	Five hundred rupees
326	(1)	Disobedience of order regarding abatement of nuisance.	One hundred rupees
326	(2)	Disobedience of order prohibiting the working of factory, etc., or the use of particular fuel.	Two hundred rupees
327	...	Failure to comply with requisition to put factory, etc., in order, to abate overcrowding, etc.	Five hundred rupees
328	...	Disobedience of order regarding abatement of nuisance or danger to life, etc.	One hundred rupees
333	(2)	Washing of clothes by washerman at unauthorised places.	Twenty rupees

SCHEDULE—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
335	...	Use of place as slaughter-house without licence or contrary to licence.	Two hundred rupees
337	...	Slaughter of animals for sale or food or skinning or cutting up carcasses without licence or contrary to licence or drying skin so as to cause a nuisance.	Twenty rupees for every animal, carcass or skin.
339	...	Carrying on milk trade without licence or contrary to licence.	Fifty rupees
342	...	Sale or exposure for sale in public market of animal or article without permission or contrary to permission.	Do
343	(2)	Opening private market without licence or contrary to licence.	Five hundred rupees
344	...	Keeping open private market without licence or contrary to licence.	Do
347	...	Sale or exposure for sale of animal or article in unlicenced private market.	Fifty rupees
348	...	Failure to comply with direction to construct approaches, drains etc., to private markets or to pave them, etc.	Do
349	(2)	Opening or keeping open of private market after suspension or refusal of licence for default to carry out works.	Fifty rupees for each day.
350	...	Breach of market regulations ...	Fifty rupees
352	...	Failure of person in charge of markets to expel person suffering from leprosy or other infectious or contagious disease.	Do
353	...	Carrying on butcher's, fishmonger's or poulterer's trade without licence.	One hundred rupees
354	...	Sale or exposure for sale of animal or article in public streets.	Twenty rupees
358	...	Preventing the commissioner or any person authorised by him from exercising his powers of entry, etc., under section 357.	Fifty rupees
360	.	Removing or in any way interfering with an animal or article secured under section 359.	Five hundred rupees
364	(1)	Opening, etc., without licence a new place for disposal of the dead.	One hundred rupees
366	(4)	Use or allowance of use of unlicensed burial or burning ground.	Five hundred rupees

SCHEDULE VI—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
366	(4)	Use or allowance of use of unregistered burial or burning ground.	One hundred rupees
367	...	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees
368	...	Construction of vault or grave or burial of corpse in place of public worship.	Five hundred rupees
369	(3)	Burial or burning in place after prohibition.	Two hundred rupees
370	...	Burial or burning, etc., of corpses ...	Fifty rupees
372	...	Discharge of office of grave digger or attendant at place for disposal of dead without licence	Twenty rupees
375	...	Failure of Medical Practitioner of owner or occupier to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees
379	...	Failure to comply with requisition to cleanse or disinfect building or article.	Do
381	(2)	Washing of infected articles at unauthorised places.	Do
382	...	Giving, lending, etc., of infected articles...	Do
383	...	Infected person carrying on occupation ...	Do
384	(1)	Entry of infected person into public conveyance without notifying fact of infection.	Do
385	(1)	Failure to disinfect public conveyance, etc.	Do
385	(2)	Using before obtaining certificate from Health Officer a public conveyance in which an infected person travelled.	Do
386	...	Letting or subletting of infected building without certificate from the Health Officer.	Two hundred rupees
387	...	Failure to close place of public entertainment.	Do
388	...	Sending infected child to school ...	Fifty rupees
389		Use or permitting the use of book from person public or circulating library by infected	Do
390	..	Using water after prohibition ...	Do
392	...	Failure to give information of small-pox...	Do
393	...	Entering City within forty days of inoculation for small-pox without certificate.	One hundred rupees
404	(3)	Prevention of inspection of copies of rules, and bye-laws publicly exhibited.	Fifty rupees

SCHEDULE VI—*concld.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
404	(4)	Destruction, etc., of board exhibiting printed copies of bye-laws and rules.	Fifty rupees
414	(7)	Failure to produce licence on request ...	Ten rupees
418	...	Failure to comply with requisition to attend, produce document or give evidence.	One hundred rupees
428	(1)	Failure of occupier to comply with requisition to permit owner to comply with provisions of Act.	Fifty rupees for each day.
430	...	Preventing the Commissioner or any person authorised by him from exercising his powers of entry, etc.	Fifty rupees
461	...	Obstructing or molesting, corporation, Standing Committee, Mayor, etc.	Two hundred rupees
462	...	Removing mark set up for indicating level, etc.	Do
463	...	Removal, etc., of notice exhibited by or under orders of the corporation or commissioner.	Fifty rupees
464	...	Unawful removal of earth, sand or other material from land vested in the corporation or deposit of matter or encroachment in or on water courses.	Do
Schedule IV Rule 17		Failure to comply with requisition by Auditors to attend, give evidence or produce document.	One hundred rupees

SCHEDULE VII.

PENALTIES FOR CONTINUING BREACHES.

[*See Section 405* (2).]

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
171	...	Failure to maintain house-connections in conformity with bye-laws.	Five rupees
172	(2) & (4)	Failure to comply with requisition to make house-connection.	Do
181	...	Failure to maintain house-drains, etc., in conformity with bye-laws.	Ten rupees
182	(2) & (3)	Failure to comply with requisition as to house-drainage.	Do
182	(4)	Occupying or allowing occupation of house without proper drainage.	Twenty rupees
187	...	Failure to comply with requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Ten rupees
189	(2)	Keeping of public latrine without licence	Do
189	(3)	Allowing public latrine to be in an unclean condition or improper order.	Do
190	...	Failure to comply with requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Do
191	...	Failure to provide latrines for premises used by large number of people or to keep them clean and in proper order.	Twenty rupees
192	...	Failure to comply with requisition to provide latrines for market, cattle-stand or cart-stand or to keep them clean and in proper order.	Do
206	(1) & (4)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.	Ten rupees
214	...	Building within street alignment or building line without permission.	One hundred rupees
228	...	Failure to remove permanent encroachment.	Ten rupees
229	...	Failure to remove temporary encroachment.	Five rupees
232	(1)	Unlawful making of hole or placing of obstruction in street.	Ten rupees

SCHEDULE—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
233	...	Construction, etc., of building without licence where street or foot-way is likely to be obstructed.	Ten rupees.
238	(1)	Failure to comply with requisition to round or splay off buildings at corners of streets.	Fifty rupees
239	...	Construction, reconstruction or retention of external roof, etc., with inflammable materials.	Ten rupees
260	...	Failure to keep external walls of premises in proper repair.	Do
265	...	Failure of owner of keri or hutting ground to comply with requisition to open up passages, etc., to remove hut or to effect improvements.	Fifty rupees
266	(1)	Failure of owner of keri or hutting ground to comply with requisition to prepare and submit plan.	Twenty rupees
270	(1)	Failure of owner of building or hut to comply with requisition to remove whole or part of it.	Do
271	(1)	Failure of owner of keri or hutting ground to comply with notice to effect improvements and to conserve or fill up tank, well, etc.	Fifty rupees
274	...	Failure of owner of buildings or huts or owners of keri or hutting ground to comply with notice to carry out improvements.	Do
284	(1) & (2)	Failure of owner of land to maintain in proper order and repair, streets, passages, etc., and failure of owner of hut to maintain conveniences made by him.	Do
	(3)	Failure of tenants to comply with notice to repair street, etc.	Twenty rupees
287	(3)	Failure to remove all buildings or huts ...	Fifty rupees
,,	(5)	Failure of owner of land to comply with notice to carry out improvements.	Do
289	(1)	Failure of owner of land or owners or occupiers of buildings or huts to comply with notice to remove the whole or portion of such buildings or huts.	Do

SCHEDULE—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
290	...	Failure of person who erects a masonry building to comply with notice to leave a clear space of 15 feet between the centre line of street or passage or street alignment and the nearest part of such building.	Fifty rupees
294	...	Failure to comply with requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.	Ten rupees
295	...	Failure to comply with notice regarding precaution against fire.	Do
297	...	Failure to comply with requisition to stop dangerous quarrying.	Do
298	...	Failure to comply with requisition to fill up, etc., tank or well or drain off water, etc.	Do
299	...	Failure to comply with requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking, bathing or washing clothes.	Do
302	...	Failure to comply with requisition to enclose, clear or cleanse untenanted premises.	Do
303	...	Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or overgrown with any thick or noxious vegetation.	Do
304	...	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping. etc., of coal, ashes, etc.	Twenty rupees
305	...	Failure to comply with requisitions to fence building or land, or trim, prune, or cut hedges and trees or lower an enclosing wall.	Ten rupees
306	...	Failure to comply with requisition to lime-wash or otherwise cleanse building.	Ten rupees
307	...	Failure to comply with requisition to execute work or take other action with respect to insanitary buildings.	Ten rupees in the case of masonry building and five rupees in the case of huts.
313	(1)	Keeping a lodging house, eating house, tea shop, etc., without or contrary to licence.	One hundred rupees

SCHEDULE—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
314	(a)	Unlawful keeping of pigs	Five rupees
	(b)	Unlawful keeping of animal so as to be a nuisance or danger.	Do
316	...	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Ten rupees
318	...	Construction or maintenance of stable cattle-shed, etc., contrary to Act or subsidiary legislation.	Do
320	...	Using a public place or the sides of public street as a cart-stand, etc.	Two hundred rupees
322	...	Keeping open a new private cart-stand without licence or contrary to licence.	Twenty rupees
323	...	Failure to remove carcass of animal ...	Five rupees
324	(1)	Using a place for any of the purposes specified in Schedule V without licence or contrary to licence.	Fifty rupees
325	(1), (2) & (3)	Unlawful erection of factory, workshop, workplace or machinery.	One hundred rupees
"	(5)	Disobedience of order regarding chimneys	Fifty rupees
326	(1)	Disobedience of order regarding abatement of nuisance.	One hundred rupees
	(2)	Disobedience of order prohibiting the working of the factory, etc., or the use of particular kind of fuel.	Two hundred rupees
327	...	Failure to comply with requisition to put factory, etc., in order to abate over-crowding, etc.	One hundred rupees
328	...	Disobedience of order regarding abatement of nuisance or danger to life, etc.	Do
335	...	Use of place as slaughterhouse without licence or contrary to licence.	Fifty rupees
339	...	Carrying on milk-trade without licence or contrary to licence.	Five rupees
343	(2)	Opening private market without licence or contrary to licence.	One hundred rupees
344	...	Keeping open private market without licence or contrary to licence.	Do
347	...	Sale or exposure for sale of animal or article in unlicenced private market.	Twenty rupees
350	...	Breach of market regulations ...	Ten rupees

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SCHEDULE—*concld.*

Section or Rule	Sub-section or clause	Subject	Fine which may be imposed
1		2	3
352	...	Failure of person in charge of markets to expel persons suffering from leprosy or other infections or contagious disease.	Fifty rupees
353	...	Carrying on butcher's, fishmonger's or poulterers' trade without licence, etc.	Ten rupees
	...	Exposing carcasses of animals for sale without licence.	Twenty rupees
364	(1)	Opening, etc., without licence a place for the disposal of the dead.	One hundred rupees
379	...	Failure to comply with requisition to cleanse or disinfect building or article.	Ten rupees
383	...	Infected person carrying on occupation ...	Fifty rupees
387	...	Failure to close place of public entertainment.	One hundred rupees
390	...	Using water after prohibition ...	Fifty rupees
Schedule IV, Rule 17		Failure to comply with requisition by auditors to attend, give evidence or produce document.	Seventy rupees

Statement of Objects and Reasons.

The area of Bangalore City is about 15 square miles, with a population, according to the census of 1941, of 2,48,334, without taking into account the large increase which the City has witnessed in recent years. This area is being administered according to the provisions of the Mysore City Municipalities Act, 1933. By the side of this area and contiguous to it is situated the Bangalore Civil Station which until the 26th July 1947, was under the administration of the Crown Representative and which was retroceded to the State from that date. In municipal matters, this Station is still governed by the provisions of the Bangalore Municipal Law of 1897, which continues to be in force. The Station is about 14 square miles in area, with a population, according to the census of 1941, of 1,58,426 inclusive of a military personnel of 11,691. The population of this area has also increased in recent years.

The Bangalore City Municipal Council had for some time past been asking for its status being raised to that of a corporation. The question was, however, not, pursued as the area was small, and did not justify the creation of a corporation. All the same, it was being kept in view. Now, with the expansion of extensions like Jayanagar and the industrial suburbs, and the retrocession of the Civil Station, it is necessary and expedient also to constitute a single municipal corporation for both the City and the Civil Station.

The system of unified control in respect of the City and the Civil Station has already been introduced in a measure by the bifurcation of Bangalore District into Bangalore (Urban) District and Bangalore (Rural) District. Both the municipal areas are included in the former District for administrative purposes. The creation of a single corporation will do away with certain anomalies inherent in the present system, such as the levy by two authorities and at two places, of octroi on goods brought into the municipal limits thus hampering the movement of trade and commerce. Similarly, there prevails a difference in the rates of taxes levied on property and vehicles between the two areas. The creation of a combined municipal administration will terminate such

anomalies, and conduce to an efficient administration for dealing with the manifold civic problems arising in the two areas teeming with so large a population.

A draft Bill has accordingly been prepared for the constitution of a Municipal Corporation based on the merger of the two areas into a single unit. The Bill is based on the provisions of the Madras City Municipal Act, as they are similar or can be adopted more appropriately having regard to the local conditions prevailing.

The more important features of the Bill are the following:—

Strength.—The strength of the Municipal Council, Bangalore, at persent is 30, of whom 24 are elected and 6 nominated, and that of the Municipal Commission, Civil Station, is 31, of whom 24 are elected and 7 nominated. The strength of the Corporation has been slightly increased and fixed at 71 under the Bill, taking into consideration all the circumstances of the case. The system of nomination, however, has been abolished but provision is made in the Bill for reservation of seats for certain special interests, namely, Labour (4 seats), Depressed Classes (5 seats), Women (5 seats) and Trade and Commerce (2 seats) and for 5 Aldermen of whom one shall be a woman (to be elected by the Councillors). Except the latter, all the other 66 seats will be filled by direct election, while the latter will be by indirect election by the Corporation itself.

Franchise.—The qualifications for the franchise are described in clause 53 of the Bill. They include residence within municipal limits for a period of at least 6 months in the year preceding that in which the electoral roll is published, and the attainment of 21 years.

Electorate.—At present, the City is divided into 9 divisions and the Civil Station into 6 divisions. The Bill proposes to divide the combined area of the City and the Civil Station into 50 divisions for purposes of election to the general seats. The boundaries of the divisions will be fixed by the Government, and may also be altered by it after consulting the Corporation. Each division will not be a multi-member division as at present, but a single-member division, that is to say, a division returning only one member.

There is no separate electorate for the minority communities at present in the City area, while in the Civil

Station, the system of separate electorate prevails for certain minority communities like the Europeans and Anglo-Indians, Mahommadans and Indian Christians. The Bill proposes to abolish this system, and to introduce joint electorates for all communities. All the voters in a division irrespective of their sex or the community to which they belong will be entitled to vote at an election to any seat in that division, whether reserved or not.

Seats reserved for women and the Depressed Classes will similary be filled by election from divisions to which such seats are allotted by Government; and the seat allotted to Trade and Commerce will be filled by election by associations representing that interest. The seats allotted for Labour will be filled by two electorates consisting of persons employed in any industry situated in the combined area who are members of registered labour associations, each electorate returning 2 members.

Term.—The term of the Bangalore Municipal Council and the Muncipal Council, Civil Station, at present, is 3 years. It is considered desirable to fix the same term for the Corporation. Provision has been made accordingly in the Bill.

Mayor.—The Bill provides for the offices of a Mayor and a Deputy Mayor, both of whom will be elected by the Corporation and hold office for one year. The Mayor will preside over the meetings of the Corporation and will be an *ex-officio* member of all the standing committees. He will have full access to all the records of the Corporation and may obtain reports from the commissioner on any matter connected with the administration of the Corporation. All official correspondence between the Corporation and the Government will be conducted only through the medium of the Mayor.

Taxation.—The taxes which the Corporation may levy are enumerated in clause 98. They are:—

(*a*) a property tax on the annual value of lands and buildings, the percentage being not less than 15½ or greater than 20 on such annual value;

(*b*) a profession tax on any person exercising a profession or art or calling or transacting business or holding any appointment, public or private, according to a scale to be determined by the Corporation from time to time, provided that such scale is subject to the maximum and the minimum specified in Part III of Schedule III;

(*c*) a tax on carriages and animals provided that it shall not exceed the maxima specified in Part IV of Schedule III;

(*d*) a tax on carts;

(*e*) a tax on timber,

(*f*) a tax on advertisements, and

(*g*) a duty on transfers of property.

Powers of the Corporation.—The general powers of the several authorities of the Corporation in regard to property, contract and establishments are laid down in Chapter IV of the Bill. In view of the proposed enhanced status of the municipal body, enlarged powers are proposed to be conferred on it. The Commissioner, for instance, is empowered to sanction estimates not exceeding Rs. 10,000 under clause 73. Similarly, the powers of the standing committee to sanction estimates is fixed at Rs. 50,000.

Supervisory powers of the Government.—Certain supervisory powers to ensure the proper and efficient discharge of its duties by the Corporation are retained by the Government under clauses 43 to 47 inclusive of the Bill.

According to the Bill placed before the Representative Assembly, the qualifications for municipal franchise included ownership of property or payment of municipal tax etc. Since the Assembly passed an amendment that the franchise be extended to all adult residents of the municipality who are not disqulified by law, irrespective of whether they hold property or pay any municipal tax to the municipality, clause 53 of the Bill has been suitably modified.

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NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette*, of the Official Secrets Bill, together with the Statement of Objects and reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE OFFICIAL SECRETS BILL.

Arrangement of Clauses.

1 Short title, extent and application.
2 Definitions.
3 Penalties for spying.
4 Communications with foreign agents to be evidence of commission of certain offences.
5 Wrongful communication, etc., of information.
6 Unauthorised use of uniforms; falsification of reports, forgery, personation and false documents.
7 Interfering with officers of the police or members of the military forces.
8 Duty of giving information as to commission of offences.
9 Attempts, incitements, etc.
10 Penalty for harbouring spies.
11 Search warrant.
12 Power to arrest.
13 Restriction on trial of offences.
14 Exclusion of public from proceedings.
15 Offences by companies, etc.

THE OFFICIAL SECRETS BILL.

A Bill to provide for certain matters relating to official secrets.

WHEREAS it is expedient to provide for certain matters relating to official secrets; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Official Secrets Act, 194 . Short title, extent and application.

(2) It extends to the whole of Mysore, and applies also to all subjects of His Highness the Maharaja wherever they may be.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions

(1) any reference to a place belonging to His Highness the Maharaja includes a place occupied by any department of the Government or by the Palace Office, whether the place is or is not actually vested in His Highness the Maharaja;

(1-A) any reference to a place belonging to His Majesty the King includes a place occupied by any department of the Government of India, whether the place is or is not actually vested in His Majesty the King

(2) expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect or description thereof only be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note or document, include the copying or causing to be copied of the whole or any part of any sketch, plan, model, article, note, or document; and expressions referring to the communication of any sketch, plan, model, article, note or document, include the transfer or transmission of the sketch, plan, model, article, note or document;

(3) "document" includes part of a document;

(4) "model" includes design, pattern and specimen;

(5) "munitions of war" includes the whole or any part of any aircraft, tank or similar engine, arms and ammunition or mine intended or adopted for use in war, and any other article, material, or device, whether actual or proposed, intended for such use;

(6) "Office under His Highness the Maharaja" includes any office or employment in or under any department of the Government and the Palace Office;

(7) "photograph" includes an undeveloped film or plate;

(8) "prohibited place" means,—

(*a*) any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, camp, or aircraft belonging to, or occupied by or on behalf of, His Highness the Maharaja or His Majesty the King, as the case may be, any military telegraph or telephone so belonging or occupied, any wireless or signal station or office so belonging or occupied and any factory or other place so belonging or occupied and used for the purpose of building, repairing, making or storing any munitions of war, or any sketches, plans, models or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war;

(*b*) any place not belonging to His Highness the Maharaja or His Majesty the King where any munitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of His Highness the Maharaja or His Majesty the King, or otherwise on behalf of His Highness the Maharaja or His Majesty the King;

(*c*) any place belonging to or used for the purpose of His Highness the Maharaja or His Majesty the King which is for the time being declared by the Government, by notification in the official Gazette, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or damage thereto, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and Kannada;

(*d*) any railway, road, way or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith) or any place used for gas, water or electricity works or other works for purposes of a public character, or any place where any munitions of war or any sketches, models, plans, or documents relating thereto, are being made, repaired or stored otherwise than on behalf of His Highness the Maharaja or His Majesty the King, which is for the time being declared by the Government, by notification in the official Gazette, to be a prohibited place for the purpose of this Act on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and in Kannada;

(9) "sketch" includes any photograph or other mode of representing any place or thing; and

(10) "Superintendent of Police" includes any police officer of a like or superior rank, and any person upon whom the powers of a Superintendent of Police are for the purposes of this Act conferred by the Government.

Penalties for spying.

3. (1) If any person for any purpose prejudicial to the safety or interests of the State—

(a) approaches, inspects, passes over or is in the vicinity of, or enters, any prohibited place; or

(b) makes any sketch, plan, model or note which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy; or

(c) obtains, collects, records or publishes or communicates to any other person any secret official code or pass word, or any sketch, plan, model, article or note or other document or information which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy;

he shall be punishable with imprisonment for a term which may extend, where the offence is committed in relation to any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, factory, camp, or aircraft or otherwise in relation to the naval, military or air force affairs of His Highness the Maharaja or His Majesty the King or in relation to any secret official code, to fourteen years and in other cases to three years.

(2) On a prosecution for an offence punishable under this section with imprisonment for a term which may extend to fourteen years, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from circumstances of the case or his conduct or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State; and if any sketch, plan, model, article, note, document or information relating to or used in any prohibited place, or relating to anything in such a place, or any secret official code or pass word is made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, and from the

circumstances of the case or his conduct or his known character as proved it appears that his purpose was a purpose prejudicial to the safety or interests of the State, such sketch, plan, model, article, note, document or information shall be presumed to have been made obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the State.

Communications with foreign agents to be evidence of commission of certain offences.

4. (1) In any proceedings against a person for an offence under section 3, the fact that he has been in communication with, or attempted to communicate with, a foreign agent, whether within or without Mysore, shall be relevant for the purpose of proving that he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted to obtain information which is calculated to be or might be or is intended to be, directly or indirectly, useful to the enemy.

(2) For the purpose of this section, but without prejudice to the generality of the foregoing provision,—

(*a*) a person may be presumed to have been in communication with a foreign agent if—

(i) he has, either within or without Mysore, visited the address of a foreign agent or consorted or associated with a foreign agent, or

(ii) either within or without Mysore, the name or address of, or any other information regarding, a foreign agent has been found in his possession, or has been obtained by him from any other person;

(*b*) the expression "foreign agent" includes any person who is or has been or in respect of whom it appears that there are reasonable grounds for suspecting him of being or having been employed by a foreign power, either directly or indirectly, for the purpose of committing an act, either within or without Mysore, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without Mysore, committed, or attempted to commit, such an act in the interests of a foreign power;

(*c*) any address, whether within or without Mysore, in respect of which it appears that there are reasonable grounds for suspecting it of being an address used for the receipt of communications intended for a foreign agent, or any address at which a foreign agent resides, or to which he resorts for the purpose of giving

or receiving communications, or at which he carries on any business, may be presumed to be the address of a foreign agent, and communications addressed to such an address to be communications with a foreign agent.

Wrongful communication, etc., of information.

5. (1) If any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or relates to anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under His Highness the Maharaja, or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under His Highness the Maharaja, or as a person who holds or has held a contract made on behalf of His Highness the Maharaja, or as a person who is or has been employed under a person who holds or has held such an office or contract,—

(*a*) wilfully communicates the code or pass word, sketch, plan, model, article, note, document or information to any person other than a person to whom he is authorised to communicate it, or a Court of Justice or a person to whom it is, in the interests of the State, his duty to communicate it; or

(*b*) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of the State; or

(*c*) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it, or when it is contrary to his duties to retain it, or wilfully fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or

(*d*) fails to take reasonable care of, or so conducts himself as to endanger the safety of, the sketch, plan, model, article, note, document secret official code or pass word or information;

he shall be guilty of an offence under this section.

(2) If any person voluntarily receives any secret official code or pass word or any sketch, plan, model, article, note, document, or information knowing or having reasonable ground to believe, at the time when he receives it, that the code, pass word, sketch, plan, model, article, note, document or information is communicated in contravention of this Act, he shall be guilty of an offence under this section.

(3) If any person having in his possession or control any sketch, plan, model, article, note, document or information, which relates to munitions of war, communicates it, directly or indirectly, to any foreign power or in any other manner prejudicial to the safety or interests of the State, he shall be guilty of an offence under this section.

(4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Unauthorised use of uniforms; falsification of reports, forgery, personation and false documents.

6. (1) If any person for the purpose of gaining admission or of assisting any other person to gain admission to a prohibited place or for any other purpose prejudicial to the safety of the State,—

(*a*) uses or wears, without lawful authority any naval, military, air force, police or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform; or

(*b*) orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission; or

(*c*) forges, alters, or tampers with any passport or any naval, military, air force, police, or official pass, permit, certificate, licence, or other document of a similar character (hereinafter in this section referred to as an official document) or knowingly uses or has in his possession any such forged, altered, or irregular official document; or

(*d*) personates, or falsely represents himself to be, a person holding, or in the employment of a person holding, office under His Highness the

Maharaja, or to be or not to be a person to whom an official document or secret official code or pass word has been duly issued or communicated, or with intent to obtain an official document, secret official code or pass word, whether for himself or any other person, knowingly makes any false statement; or

(*e*) uses, or has in his possession or under his control, without the authority of the department of the Government or the authority concerned, any die, seal or stamp of or belonging to, or used, made or provided by, any department of the Government, or by any military or air force authority appointed by or acting under the authority of His Highness the Maharaja, or any die, seal or stamp so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or knowingly uses, or has in his possession or under his control, any such counterfeited die, seal or stamp;

he shall be guilty of an offence under this section.

(2) If any person for any purpose prejudicial to the safety of the State—

(*a*) retains any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or wilfully fails to comply with any directions issued by any department of the Government or any person authorised by such department with regard to the return or disposal thereof; or

(*b*) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code or pass word issued for the use of some person other than himself, or, on obtaining possession of any official document by finding or otherwise, wilfully fails to restore it to the person or authority by whom or for whose use it was issued, or to a police officer; or

(c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale, any such die, seal or stamp as aforesaid;

he shall be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(4) The provisions of sub-section (2) of section 3 shall apply, for the purpose of proving a purpose prejudicial to the safety of the State, to any prosecution for an offence under this section relating to the military or air force affairs of His Highness the Maharaja, or to any secret official code in like manner as they apply, for the purpose of proving a purpose prejudicial to the safety or interests of the State, to prosecutions for offences punishable under that section with imprisonment for a term which may extend to fourteen years.

Interfering with officers of the police or members of the military forces.

7. (1) No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede, any police officer, or any member of the military forces of His Highness the Maharaja or His Majesty the King engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place.

(2) If any person acts in contravention of the provisions of this section, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

Duty of giving information as to commission of offences.

8. (1) It shall be the duty of every person to give on demand to a Superintendent of Police, or other police officer not below the rank of Inspector, empowered by the Inspector-General of Police in this behalf, or to any member of the Military forces of His Highness the Maharaja or His Majesty the King engaged on guard, sentry, patrol, or other similar duty, any information in his power relating to an offence or suspected offence under section 3 or under section 3 read with section 9 and, if so required, and upon tender of his reasonable expenses, to attend at such reasonable time and place as may be specified for the purpose of furnishing such information.

(2) If any person fails to give any such information or to attend as aforesaid, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

Attempts, incitements, etc.

9. Any person who attempts to commit or abets the commission of an offence under this Act shall be punishable with the same punishment, and be liable to be proceeded against in the same manner as if he had committed such offence.

Penalty for harbouring spies.

10. (1) If any person knowingly harbours any person whom he knows or has reasonable grounds for supposing to be a person who is about to commit or who has committed an offence under section 3 or under section 3 read with section 9 or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, he shall be guilty of an offence under this section.

(2) It shall be the duty of every person having harboured any such person as aforesaid or permitted to meet or assemble in any premises in his occupation or under his control any such persons as aforesaid, to give on demand to a Superintendent of Police or other police officer not below the rank of Inspector empowered by the Inspector-General of Police in this behalf, any information in his power relating to any such person or persons, and if any person fails to give any such information, he shall be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Search warrants.

11. (1) If a Magistrate of the first class is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed, he may grant a search warrant authorising any police officer named therein, not being below the rank of an officer in charge of a police station, to enter at any time any premises or place named in the warrant, if necessary, by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note or document, or anything of a like nature, or anything which is evidence of an offence under this Act having been or being about to be committed which he may find on the premises or place or any such person, and with regard to or in connection with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed.

(2) Where it appears to a police officer, not being below the rank of Superintendent, that the case is one of

great emergency, and that in the interests of the State immediate action is necessary, he may, by a written order under his hand, give to any police officer the like authority as may be given by the warrant of a Magistrate under this section.

(3) Where action has been taken by a police officer under sub-section (2) he shall, as soon as may be, report such action to the District Magistrate of the District.

Power to arrest.

12. Notwithstanding anything in the Code of Criminal Procedure, 1904,—

(*a*) an offence punishable under section 3 or under section 3 read with section 9 with imprisonment for a term which may extend to fourteen years shall be a cognizable and non-bailable offence; and

(*b*) an offence under clause (*a*) of sub-section (1) of section 6 shall be a cognizable and bailable offence; and

(*c*) every other offence under this Act shall be a non-cognizable and bailable offence, in respect of which a warrant of arrest shall ordinarily issue in the first instance.

Restriction on trial of offences.

13. (1) No Court (other than that of a Magistrate of the first class specially empowered in this behalf by the Government) which is inferior to that of a District Magistrate shall try any offence under this Act.

(2) If any person under trial before a Magistrate for an offence under this Act at any time before a charge is framed claims to be tried by the Court of Session, the Magistrate shall, if he does not discharge the accused, commit the case for trial by that Court notwithstanding that it is not a case exclusively triable by that Court.

(3) No Court shall take cognizance of any offence under this Act unless upon complaint made by order of, or under authority from, the Government or some officer empowered by the Government in this behalf :

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that such complaint has not been made, but no further or other proceedings shall be taken until such complaint has been made.

(4) For the purposes of the trial of a person for an offence under this Act, the offence may be deemed to have

been committed either at the place in which the same actually was committed or at any place in Mysore in which the offender may be found.

Exclusion of public from proceedings.

14. In addition and without prejudice to any powers which a Court may possess to order the exclusion of the public from any proceedings, if, in the course of proceedings before a Court against any person for an offence under this Act, or the proceedings on appeal, or in the course of the trial of a person, under this Act, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the safety of the State, that all or any portion of the public shall be excluded during any part of the hearing, the Court may make an order to that effect, but the passing of sentence shall in any case take place in public.

Offences by companies, etc.

15. Where the person guilty of an offence under this Act is a company or corporation, every director and officer of the company or corporation with whose knowledge and consent the offence was committed shall be guilty of the like offence.

Statement of Objects and Reasons.

By virtue of the provisions of Section 4 of the Defence of India (Adaptation to Mysore) Act, 1939, the Indian Official Secrets Act, 1923, had been *mutatis mutandis* put in force in Mysore as long as the Defence of India Act was in force. With the expiry of the Defence of India Act as applied to Mysore, on the 30th September 1946, the provisions of the Indian Official Secrets Act, 1923, would have ceased to be operative in Mysore. As it was however considered necessary to continue these provisions in Mysore, an Emergency Act was passed in 1946 which was continued for a further period of six months by another Emergency Act in 1947. The Bill is aimed at protecting official information of a confidential nature and seeks to penalise the communication or receipt of such information. It is also made an offence to spy on certain specified places relating mainly to defence or military establishments.

NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Foreigners (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government.
Law Department.

THE MYSORE FOREIGNERS (AMENDMENT) BILL.

A Bill further to amend the Mysore Foreigners Act, 1940.

WHEREAS it is expedient further to amend the Mysore Foreigners Act, 1940, (XVI of 1940), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Foreigners (Amendment) Act, 194 . **Short title and commencement.**

(2) It shall come into force at once.

2. In the Mysore Foreigners Act, 1940 (hereinafter referred to as the said Act) for the words 'British India,' wherever they occur, the word 'India' shall be substituted. **Substitution of 'India' for 'British India' in Act XVI of 1940.**

3. In clause (*a*) of section 2 of the said Act,— **Amendment of section 2, Act XVI of 1940.**

(*a*) for the words 'Indian State,' the words 'State which has 'either before or after the commencement of this Act' acceded to the Dominion of India' shall be substituted;

(*b*) for the words 'Tribal areas' the words 'Assam tribal areas' shall be substituted.

4. (1) In sub-section (2) of section 3 of the said Act,— **Amendment of section 3, Act XVI of 1940.**

(*a*) after clause (*c*) the following clause shall be inserted, namely,—

"(*cc*) shall, if he has been required by order under this section not to remain in Mysore, meet from any resources at his disposal the cost of his removal from Mysore and of his maintenance therein pending such removal;"

(*b*) after the words "and may make provision" the words "for any matter which is to be or may be prescribed and" shall be inserted.

(2) To the said section 3, the following sub-section shall be added, namely,—

"(3) Any authority prescribed in this behalf may with respect to any particular foreigner make orders under clause (*e*), clause (*f*) or clause (*g*) of sub-section (2)."

Amendment of section 6-A, Act XVI of 1940.

5. To section 6-A of the said Act, the following sub-section shall be added, namely,—

"(4) If in any area prescribed in this behalf the prescribed authority by notice published in such manner as may in the opinion of the authority be best adapted for informing the persons concerned so directs, it shall be the duty of every person occupying or having under his control any residential premises to submit to such person and in such manner such information in respect of foreigners accommodated in such premises as may be specified; and the provisions of sub-section (2) shall apply to every person accommodated in any such premises."

Insertion of a new section 6-AA in Act XVI of 1940.

6. After section 6-A of the said Act, the following section shall be inserted, namely,—

"6-AA. *Power to control places frequented by foreigners*:

(1) The prescribed authority may, subject to such conditions as may be prescribed, direct the owner or person having control of any premises used as a restaurant or as a place of public resort or entertainment or as a club and frequented by foreigners—

(*a*) to close such premises either entirely or during specified periods; or

(*b*) to use or permit the use of such premises only under such conditions as may be specified; or

(*c*) to refuse admission to such premises either to all foreigners or to any specified foreigner or class of foreigners.

(2) A person to whom any direction has been given under sub-section (1) shall not, while such direction remains in force, use or permit to be used any other premises for any of the aforesaid purposes, except with the previous permission in writing of the prescribed authority and in accordance with any conditions which that authority may think fit to impose.

(3) Any person to whom any direction has been given under sub-section (1) and who is aggrieved thereby may, within thirty days from the date of such direction, appeal to the Government; and the decision of the Government in the matter shall be final."

Statement of Objects and Reasons.

The Foreigners Act, 1946, of the Government of India has been amended in certain respects vesting more power in the Government for the effective control of foreigners in India. It is considered necessary to amend the Mysore Foreigners Act, 1940, also on the same lines. This Bill is accordingly brought forward.

The powers proposed to be taken under this Bill are :—

(i) power for requiring a foreigner who has been directed to leave Mysore to meet the expenses of his removal;

(ii) power for imposing an obligation on a householder to report to the prescribed authority the presence of any foreigner in his household; and

(iii) power for closing down clubs and restaurants, etc., frequented by foreigners.

The other provisions of the Bill are of a consequential nature.

NOTIFICATION.

No. R.L. 1628-59, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Explosive Substances Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE EXPLOSIVE SUBSTANCES BILL.

A Bill to provide for certain matters relating to explosive substances.

WHEREAS it is expedient to provide for certain matters relating to explosive substances; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Explosive Substances Act, 194 . Short title, extent and application.

(2) It extends to the whole of Mysore and applies also to all subjects of His Highness the Maharaja wherever they may be.

2. In this Act the expression "explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement. Definition of "explosive substance".

3. Any person who unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment for a term which may extend to ten years, to which fine may be added. Punishment for causing explosion likely to endanger life or property.

4. Any person who unlawfully and maliciously— Punishment for attempt to cause explosion, or for making or keeping explosives with intent, to endanger life or property.

(a) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion in Mysore of a nature likely to endanger life or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or cause serious injury to property in Mysore, or to enable any other person by means thereof to endanger life or cause serious injury to property in Mysore;

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished with transportation for a term which may extend to twenty years, to which fine may be added, or with imprisonment for a term which may extend to seven years to which fine may be added.

Punishment for making or possessing explosives under suspicious circumstances.

5. Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punishable with transportation for a term which may extend to fourteen years, to which fine may be added, or with imprisonment for a term which may extend to five years to which fine may be added.

Punishment of abettors.

6. Any person who by the supply of, or solicitation for, money, the providing of premises, the supply of materials, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any offence under this Act shall be punished with the punishment provided for the offence.

Restriction on trial of offences.

7. No court shall proceed to the trial of any person for an offence against this Act except with the consent of the Government.

Statement of Objects and Reasons.

The provisions of the Indian Explosive Substances Act, 1908, of the Government of India were put in force *mutatis mutandis* in Mysore by section 4 of the Defence of India (Adaptation to Mysore) Act, 1939. The said provisions were expressed to be in force as long as the Defence of India Act was in force and would have consequently expired in September 1946. As it was considered necessary to have these provisions permanently in force in Mysore, an Emergency Act was passed in 1946 (Act No. XLI of 1946) which was continued for a further period of six months by another Emergency Act in 1947.

The Bill had been brought before the Budget Session of the Representative Assembly in 1947 but could not be taken up for consideration.

Its main purpose is to punish any person who causes or attempts to cause an explosion by means of any explosive substance so as to endanger life or property.

NOTIFICATION.

No. R.L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the General Clauses (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE GENERAL CLAUSES (AMENDMENT) BILL

A Bill to amend the General Clauses Act, 1899, for a certain purpose.

WHEREAS it is expedient to amend the General Clauses Act, 1899, for the purpose hereinafter appearing;

It is hereby enacted as follows :—

1. This Act may be called the General Clauses (Amendment) Act, 194 . Short title

2. After section 6 of the General Clauses Act, 1899, the following section shall be inserted, namely :— Insertion of new section 6A in Act III of 1899.

"6A. Where any Act made after the commencement of this Act repeals any enactment by which the text of any Act was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal." Repeal of Act making textual amendment in an Act.

Statement of Objects and Reasons.

Doubt had sometimes been entertained in the past as to the effect of the repeal of an amending Act which had made textual alterations in a previous Act. The view which the Government of India favoured was that an amending Act of this nature was spent once it had secured the inclusion in the text of the parent Act of the changes which were intended to bring about, and that the repeal of the amending Act thereafter did not affect the continuance of the amendments made by it. It had not been the practice till 1936 to repeal such Acts after their work was

accomplished, and the Statute-book was encumbered with much matter which could profitably have been removed, but which it was undesirable to remove as long as any doubt concerning the effect of such removal could be entertained. The General Clauses Act, 1897, (X of 1897), was, accordingly, amended by the Central Legislature by the insertion of a new section as section 6A, thereby establishing beyond doubt the view set forth above.

The insertion of this new provision in the General Clauses Act, 1897, has enabled a large number of Acts which were confined to making textual amendments in previous Acts to be repealed.

It is considered desirable to amend the General Clauses Act, 1899, in force in Mysore on the same lines, and this Bill has accordingly been brought forward for that purpose. If this amendment is made, it will considerably ease the task of issuing a revised edition of the Mysore Code, since the textual alterations made by the amending Acts would be incorporated in the parent Act itself and got printed, foot-notes being added to explain the origin of the changes themselves. The amending Acts themselves, which it has been the practice hitherto to reproduce in the Code, may be repealed, saving thereby much printing space, since no useful purpose is served by such reproduction as the purpose of these Acts is served after the changes or modifications are made in the parent Act.

NOTIFICATION

No. R.L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Repealing Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE REPEALING BILL.

A Bill to repeal certain enactments.

WHEREAS it is expedient that the enactments specified in the Schedule which have become unnecessary should be expressly and specifically repealed; It is hereby enacted as follows :—

1. This Act may be called the Repealing Act, 194 . Short title.

2. The enactments specified in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.

3. Where this Act repeals any enactment.— Saving.

(*a*) which, while itself repealing another enactment, provided for the saving of rights, privileges, obligations or liabilities, acquired, accrued or incurred under that enactment or provided that references to the enactment by it repealed should be read as if made to the Act by which that enactment was repealed, or that acts done under the enactment by it repealed should be deemed to have been done under the Act by which that enactment was repealed, or

(*b*) which, while itself amending another enactment, provided that references to the enactment by it amended should be read as if made to that enactment as so amended, or that acts done under the enactment by it amended should be deemed to have been done under that enactment as so amended or by a new authority substituted in that enactment as so amended for a previously existing authority,

the repeal shall not affect the operation of any such provision as aforesaid.

4. Where this Act repeals any enactment by which the text of any other enactment was amended by the express omission, insertion or substitution of any matter, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the commencement of this Act. Effect of repeal of amending enactment.

THE SCHEDULE.

ENACTMENTS REPEALED.

Year	Number	Short title	Extent of repeal
1872	XVIII	The Indian Evidence (Amendment) Act, as applied to Mysore.	The whole
1872	XIX	The Indian Penal Code (1860) Amendment Act, as applied to Mysore.	"
1890	II	An Act to amend the Mysore High Court Act, I of 1884.	"
1891	I	An Act to amend the Mysore Land Revenue Code, 1888.	"
1892	III	An Act further to amend the Mysore Land Revenue Code, IV of 1888.	"
1892	V	An Act, to amend the Mysore Civil Courts Act, I of 1883.	"
1892	VIII	An Act to amend the Cattle Trespass Act, 1871, as introduced into Mysore.	"
1894	I	An Act to amend the Printing Presses and Newspapers Act (XXV of 1867) as introduced into Mysore.	"
1894	II	An Act to amend the Indian Penal Code (1860) as in force in Mysore.	"
1894	VI	An Act further to amend the Mysore Civil Courts Act, I of 1883.	"
1897	I	An Act to amend the Mysore Legal Practitioners' Act, III of 1884.	"
1898	II	An Act further to amend the Mysore Civil Courts Act, I of 1883.	"
1899	V	The Land Improvement Loans (Amendment) Act, 1899.	"
1900	V	An Act to amend the Mysore Military Act, 1899.	"
1900	X	An Act further to amend the Indian Evidence Act, 1872, as in force in Mysore.	"
1901	I	An Act to amend the Land Improvement Loans Act, 1890.	"
1901	III	An Act further to amend the Mysore Civil Courts Act, I of 1883.	"
1901	IV	An Act further to amend the Mysore Military Act, 1899.	"
1901	VIII	An Act to amend the Indian Evidence Act 1872, as it is in force in Mysore.	"
1901	IX	The Mysore Forest (Amendment) Act, 1901.	"

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Year	Number	Short title	Extent of repeal
1902	IV	An Act to amend the Mysore Excise Act, V of 1901.	The whole
1903	IV	An Act further to amend the Mysore High Court Act, 1884.	"
1904	I	An Act to amend the Indian Penal Code, 1860, as it is in force in Mysore.	Sections 2 to 35 inclusive
1904	IV	An Act to amend the City of Mysore Improvement Act, 1903.	The whole
1904	V	An Act further to amend the Mysore Excise Act, V of 1901.	"
1905	I	An Act to amend the Mysore Military Act, II of 1899.	"
1905	II	An Act further to amend the Mysore High Court Act, I of 1884.	"
1905	IV	An Act further to amend the Mysore Military Act, 1899.	"
1905	V	An Act to amend the Merchandise Marks Act, I of 1892.	"
1905	VI	An Act further to amend the Mysore Land Revenue Code, 1888.	"
1906	V	The Mysore Excise (Amendment) Act, V of 1901.	"
1906	VI	An Act further to amend the Mysore Land Revenue Code, IV of 1888.	"
1907	II	An Act further to amend the Mysore Military Act, II of 1899.	"
1908	I	An Act to amend the Mysore Court Fees Act, III of 1900.	"
1908	II	An Act to amend the Mysore Stamp Act, II of 1900.	"
1908	VI	An Act to amend the Mysore Registration Act, I of 1903.	"
1909	I	An Act further to amend the Mysore Land Revenue Code, IV of 1888.	"
1909	II	An Act further to amend the City of Mysore Improvement Act, 1903.	"
1909	III	An Act further to amend the Mysore High Court Act, 1884.	"
1910	II	An Act further to amend the Mysore Military Act, II of 1899.	"
1911	II	An Act to amend the Government Savings Banks Act, 1873.	"
1912	II	An Act further to amend the Mysore Court Fees Act, 1900.	"
1912	III	An Act to amend the Indian Evidence Act, as in force in Mysore.	"
1912	IV	The Indian Contract Amendment Act, 1912.	Sections 2 to 7 inclusive
1912	V	An Act further to amend the Mysore Land Revenue Code, IV of 1888.	The whole

Year	Number	Short title	Extent of repeal
1913	II	An Act further to amend the Mysore Military Act, 1899.	The whole
1913	VIII	The Mysore Excise Amendment Act, 1913.	,,
1914	II	An Act further to amend the Mysore Military Act, II of 1899.	,,
1914	IV	An Act further to amend the Mysore Court Fees Act, 1900.	,,
1914	IX	An Act to amend the Mysore Mines Act, 1906.	,,
1915	I	An Act further to amend the Code of Civil Procedure, 1911.	,,
1915	IV	An Act to amend the Code of Criminal Procedure, 1904.	,,
1915	VII	An Act further to amend the Mysore Mines Act, 1906.	,,
1915	IX	An Act further to amend the Mysore Civil Courts Act, 1883.	,,
1916	II	An Act further to amend the Mysore Land Revenue Code, 1888.	,,
1916	IV	An Act further to amend the Mysore Stamp Act, 1900.	,,
1916	VIII	An Act further to amend the Mysore Land Revenue Code, 1888.	,,
1916	X	An Act to amend the Mysore Tramways Act, 1906.	,,
1916	XI	An Act to amend the Mysore Land Acquisition Act, 1894.	,,
1916	XII	An Act to amend the Tank Panchayet Act, 1911.	,,
1917	III	An Act to amend the Village Courts Act, 1913.	,,
1918	X	An Act further to amend the Indian Evidence Act, 1872.	,,
1918	XII	An Act to amend the Act for avoiding loss by the default of public accountants, 1 of 1893.	,,
1919	I	An Act further to amend the Mysore Land Revenue Code, 1888.	,,
1919	III	An Act to amend the Tank Panchayet Act, 1911.	,,
1919	VII	An Act further to amend the Mysore Land Revenue Code, 1888.	,,
1919	VIII	An Act to amend the Village Offices Act, 1908.	,,
1919	X	An Act to amend the Mysore Railways Act, 1894.	,,
1919	XII	An Act further to amend the Mysore Legal Practitioners' Act, 1884.	,,
1920	I	An Act further to amend the Mysore Military Act, 1899.	,,

Year	Number	Short title	Extent of repeal
1920	V	An Act further to amend the Mysore Excise Act, 1901.	The whole
1920	VII	An Act further to amend the Mysore Forest Act, 1900.	,,
1920	VIII	An Act further to amend the Mysore Land Revenue Code, 1888.	,,
1920	IX	An Act further to amend the Mysore Village Courts Act, 1913.	,,
1921	II	An Act to amend the Negotiable Instruments Act, 1917.	,,
1921	IV	An Act to amend the Mysore State Life Insurance Act, 1917.	,,
1921	V	An Act to amend the Mysore Military Act, 1899.	,,
1921	VI	An Act to amend the Mysore Police Act, 1908.	,,
1921	VII	An Act further to amend the Mysore Registration Act, 1903.	,,
1922	I	An Act to amend the Indian Succession Act, 1865, as applied to Mysore.	,,
1922	II	An Act to amend the Indian Penal Code, 1860, as in force in Mysore.	,,
1922	III	An Act further to amend the Registration Act, 1903.	,,
1922	IV	An Act further to amend the Negotiable Instruments Act, 1917.	,,
1922	VII	The Mysore Stamp (Amendment) Act, 1922.	,,
1922	VIII	The Mysore Court Fees (Amendment) Act, 1922.	Sections 3 to 10 inclusive.
1923	III	An Act further to amend the Mysore Excise Act, 1901.	The whole
1923	VI	An Act further to amend the Village Courts Act, VII of 1913.	,,
1923	VIII	An Act to amend the Code of Civil Procedure, 1911.	,,
1923	X	An Act further to amend the Negotiable Instruments Act, 1917.	,,
1923	XIII	An Act further to amend the Mysore Land Revenue Code, 1888.	,,
1923	XV	An Act to amend the Minor Tank Restoration Act, 1916.	,,
1924	I	An Act further to amend the Court Fees Act, 1900.	,,
1925	V	An Act further to amend the Indian Penal Code, as in force in Mysore.	,,
1925	VII	An Act to amend the Mysore Vaccination Act, I of 1906.	,,
1925	X	An Act to amend the Mysore Criminal Tribes Act, 1906.	,,

Year	Number	Short title	Extent of repeal
1925	XII	An Act further to amend the Code of Civil Procedure, 1911.	The whole
1926	V	An Act to amend the Mysore Land Revenue Code, IV of 1888.	"
1926	VII	An Act to amend the Mysore Civil Courts Act, 1883.	"
1927	I	The Mysore Land Acquisition (Amendment) Act, 1927.	"
1927	II	An Act to amend Act VI of 1899 ...	"
1927	IV	The Mysore Forest (Amendment) Act, 1927.	"
1927	V	The Mysore Income-tax (Amendment) Act, 1927.	"
1927	VI	The Code of Criminal Procedure (Amendment) Act, 1927.	"
1927	IX	An Act to amend the Mysore Weights and Measures Act, 1902.	"
1928	I	The Mysore Stamp (Amendment) Act, 1928.	"
1928	III	An Act to amend the Mysore Arms Act, 1890.	"
1928	IV	An Act further to amend the Mysore Stamp Act, II of 1900.	"
1928	V	The Mysore Limitation (Amendment) Act, 1928.	"
1928	VI	An Act to amend the Mysore Small Cause Courts Act, 1911.	"
1928	VII	The Code of Criminal Procedure (Amendment) Act, 1928.	"
1928	VIII	The Indian Penal Code (Amendment) Act, 1928.	"
1928	IX	The Mysore Income-tax (Amendment) Act, 1928.	"
1928	X	An Act further to amend the Mysore Legal Practitioners' Act, 1884.	"
1928	XI	An Act further to amend the Mysore Village Courts Act, 1913.	"
1928	XII	An Act to amend the Mysore Village Panchayet Act, II of 1926.	"
1928	XV	The Mysore Registration (Amendment) Act, 1903.	"
1928	XVII	The Mysore Land Revenue Code (Amendment) Act, 1888.	"
1929	I	The Code of Civil Procedure (Amendment) Act, 1929.	"
1929	II	An Act to amend the Mysore District Boards Act, 1926.	"
1929	IV	An Act to amend the Mysore Prevention of Adulteration Act, IX of 1921.	"

Year	Number	Short title	Extent of repeal
1930	I	An Act to amend the Mysore Government Savings Bank Act, 1918, as in force in Mysore.	The whole
1930	II	The Mysore Securities (Amendment) Act, 1930.	,,
1930	III	The Mysore Income-tax (Amendment) Act, 1930.	,,
1930	IV	The Mysore Prevention of Adulteration (Amendment) Act, 1930.	,,
1930	VI	An Act further to amend the Code of Civil Procedure, 1911.	,,
1930	VII	An Act further to amend the Indian Penal Code, as in force in Mysore.	,,
1930	VIII	An Act further to amend the District Boards Act, 1926.	,,
1930	XII	The Mysore High Court (Designation) Act, 1930.	,,
1930	XIII	An Act to amend the Mysore Coffee Cess Act, XIII of 1925.	,,
1931	I	An Act to amend the Mysore Limitation Act, 1911.	,,
1931	III	An Act further to amend the Tank Panchayet Act, 1911.	,,
1931	VII	The Mysore Village Panchayet (Amendment) Act, 1931.	,,
1931	VIII	An Act to amend the Mysore Land Record of Rights Act, 1927.	,,
1932	II	An Act further to amend the District Boards Act, 1926.	,,
1932	IV	An Act further to amend the Mysore Forest Act XI of 1900.	,,
1932	VI	The Indian Contract (Amendment) Act, 1932.	,,
1932	VII	An Act to amend the Mysore Land Acquisition Act, VII of 1894.	,,
1933	I	The Mysore Limitation (Amendment) Act, 1933.	,,
1933	II	An Act to amend the Code of Criminal Procedure, 1904.	,,
1933	XII	The Mysore Lunacy (Amendment) Act, 1933.	,,
1933	XIII	The Code of Criminal Procedure (Amendment) Act, 1933.	,,
1933	XIV	An Act further to amend Criminal Tribes Act, 1916.	,,
1934	V	An Act further to amend the Mysore Land Revenue Code, 1888.	,,
1935	II	An Act further to amend the Mysore Forest Act, XI of 1900.	,,
1935	III	An Act further to amend the Code of Criminal Procedure, 1904.	,,

Year	Number	Short title	Extent of repeal
1935	IV	The Negotiable Instruments (Amendment) Act, 1935.	The whole
1935	V	The Cinematograph (Amendment) Act, 1935.	,,
1935	VII	The Mysore Agriculturists' Relief (Amendment) Act, 1935.	,,
1935	VIII	An Act to amend the Mysore Religious and Charitable Institutions Act, VII of 1927.	,,
1935	IX	An Act further to amend the Mysore Village Panchayet Act, 1926.	,,
1935	X	An Act further to amend the Mysore Police Act, V of 1908.	,,
1935	XI	An Act further to amend the Mysore Income-tax Act, V of 1923.	,,
1935	XII	An Act further to amend the Mysore Prevention of Adulteration Act, IX of 1921.	,,
1936	III	The Workmen's Compensation (Amendment) Act, 1936.	,,
1936	IV	An Act further to amend the Mysore Land Revenue Code, 1888.	,,
1936	V	An Act further to amend the Mysore District Boards Act, 1926.	,,
1936	VII	The Mysore Registration (Amendment) Act, 1936.	,,
1937	I	An Act to amend the Mysore Religious and Charitable Institutions Act, VII of 1927.	,,
1937	II	An Act further to amend the Mysore Agriculturists' Relief Act, 1928.	,,
1937	V	An Act to amend the Mysore Village Panchayet Act, 1926.	,,
1937	VIII	An Act further to amend the Mysore Civil Courts Act, 1883.	,,
1937	IX	The Indian Penal Code (Amendment) Act, 1937.	,,
1938	I	An Act to amend the Mysore City Municipalities Act, 1933.	,,
1938	II	An Act to amend the Mysore Town Municipalities Act, 1933.	,,
1938	III	An Act to amend the Mysore City Municipalities Act, 1933.	,,
1938	IV	An Act to amend the Mysore Town Municipalities Act, 1933.	,,
1938	VII	An Act to amend the Mysore Irrigation Act, I of 1932.	,,
1938	VIII	An Act further to amend the Minor Tank Restoration Act, 1916.	,,
1938	IX	The Code of Civil Procedure (Amendmendment) Act, 1938.	,,

Year	Number	Short title	Extent of repeal
1938	XI	The Mysore Limitation (Amendment) Act, 1938.	The whole
1938	XIII	The Code of Civil Procedure (Amendment) Act, 1938.	,,
1938	XIV	The Mysore Village Panchayet (Amendment) Act, 1938.	,,
1938	XVI	The Transfer of Property (Amendment) Act, 1938.	Sections 2 to 55 inclusive.
1938	XVII	The Transfer of Property (Amendment) Supplementary Act, 1938.	The whole
1939	I	The Mysore Paper Currency (Amendment) Act, 1939.	,,
1939	II	An Act further to amend the Mysore Limitation Act, 1911.	,,
1939	III	An Act further to amend the Mysore Village Panchayet Act, 1926.	,,
1939	IV	An Act further to amend the Cattle Trespass Act, 1871, as in force in Mysore.	,,
1939	V	The Societies Registration (Amendment) Act, 1939.	,,
1939	X	The Mysore State Life Insurance (Amendment) Act, 1939.	,,
1939	XI	The Provident Funds (Amendment) Act, 1939.	,,
1939	XII	The Mysore University (Amendment) Act, 1939.	,,
1939	XV	The Mysore Patents and Designs (Amendment) Act, 1939.	,,
1939	XVII	The Mysore Land Revenue Code (Amendment) Act, 1939.	,,
1939	XVIII	The Mysore Village Panchayet (Amendment) Act, 1939.	,,
1939	XIX	The Workmen's Compensation (Amendment) Act, 1939.	,,
1939	XX	An Act to amend the Mysore Steam-boilers and Prime Movers Act, 1920.	,,
1939	XXI	The Mysore City Municipalities (Amendment) Act, 1939.	,,
1940	I	The Mysore District Boards (Amendment) Act, 1940.	,,
1940	III	The Mysore Legal Practitioners' (Amendment) Act, 1940.	,,
1940	IV	The Code of Civil Procedure (Amendment) Act, 1940.	,,
1940	VII	The Mysore City Municipalities (Amendment) Act, 1940.	,,
1940	VIII	The Mysore Town Municipalities (Amendment) Act, 1940.	,,

Year	Number	Short title	Extent of repeal
1940	X	The Mysore District Boards (Amendment) Act, 1940.	The whole
1940	XI	The Code of Criminal Procedure (Amendment) Act, 1940.	"
1940	XXI	The Mysore Land Revenue (Amendment) Act, 1940.	"
1940	XXIII	The Mysore Arms (Amendment) Act, 1940.	"
1940	XXV	The Mysore Registration (Amendment) Act, 1940.	"
1940	XXVI	The Mysore City Municipalities (Amendment) Act, 1940.	"
1940	XXIX	An Act further to amend the Mysore Military Act, II of 1899.	"
1941	III	The Mysore Land Acquisition (Amendment) Act, 1941.	"
1941	V	The Contempt of Courts (Amendment) Act, 1941.	"
1941	XIII	The Registration of Foreigners (Amendment) Act, 1941.	"
1941	XVIII	The Sale of Goods (Amendment) Act, 1941.	"
1942	III	The Code of Civil Procedure (Amendment) Act, 1942.	"
1942	VII	The Probate and Administration (Amendment) Act, 1942.	"
1942	VIII	The Mysore Insolvency (Amendment) Act, 1942.	"
1942	IX	The Workmen's Compensation (Amendment) Act, 1942.	"
1942	X	The Mysore Factories (Amendment) Act, 1942.	"
1942	XI	The Cotton Ginning and Pressing Factories (Amendment) Act, 1942.	"
1942	XIV	The Mysore Railways (Amendment) Act, 1942.	"
1942	XIX	The Mysore Military (Amendment) Act, 1942.	"
1942	XX	The Mysore Military (Second Amendment) Act, 1942.	"
1942	XXVII	The Mysore Debt Conciliation (Amendment) Act, 1942.	"
1942	XXX	The Workmen's Compensation (Amendment) Act, 1942.	"
1942	XXXI	The Mysore Maternity Benefit (Amendment) Act, 1942.	"
1942	XXXII	The Insurance (Amendment) Act, 1942.	"
1942	XLII	The Mysore Military (Third Amendment) Act, 1942.	"

Year	Number	Short title	Extent of repeal
1943	II	The Mysore Police (Amendment) Act, 1943.	The whole
1943	IV	The Cotton Ginning and Pressing Factories (Amendment) Act, 1943.	,,
1943	IX	The Mysore City Municipalities (Third Amendment) Act, 1943.	,,
1943	X	The Mysore District Boards (Amendment) Act, 1943.	,,
1943	XI	The Mysore City Municipalities (First Amendment) Act, 1943.	,,
1943	XII	The Mysore Town Municipalities (First Amendment) Act, 1943.	,,
1943	XIII	The Mysore Minor Municipalities (First Amendment) Act, 1943.	,,
1943	XXIV	The Mysore War Risks (Goods) Insurance (Amendment) Act, 1943.	,,
1943	XXV	The Essential Services (Maintenance) (Amendment) Act, 1943.	,,
1943	XXVIII	The Penalties (Enhancement) (Amendment) Act, 1943.	,,
1943	XXIX	The Indian Soldiers (Litigation) (Amendment) Act, 1943.	,,
1943	XXX	The Mysore Income-tax (Amendment) Act, 1943.	,,
1943	XXXI	The Societies Registration (Amendment) Act, 1943.	,,
1943	XXXIV	The Mysore City Municipalities (Fourth Amendment) Act, 1943.	,,
1943	XXXV	The Mysore City Municipalities (Fifth Amendment) Act, 1943.	,,
1943	XXXVI	The Mysore Town Municipalities (Third Amendment) Act, 1943.	,,
1943	XXXVII	The Mysore Minor Municipalities (Third Amendment) Act, 1943.	,,
1943	XXXIX	The Code of Civil Procedure (First Amendment) Act, 1943.	,,
1943	XL	The Code of Civil Procedure (Second Amendment) Act, 1943.	,,
1943	XLI	The Mysore Companies (Amendment) Act, 1943.	,,
1943	XLIX	The Mysore Weights and Measures (Amendment) Act, 1943.	,,
1944	IV	The Mysore Labour (Amendment) Act, 1944.	,,
1944	V	The Mysore Destructive Insects and Pests (Amendment) Act, 1944.	,,
1944	VI	The Mysore Elementary Education (Amendment) Act, 1944	,,
1944	VII	The Mechanical Lighters (Excise Duty) (Amendment) Act, 1944.	,,

Year	Number	Short title	Extent of repeal
1944	IX	The Mysore Registration (Amendment) Act, 1944.	The whole
1944	XXXII	The Mysore Elementary Education (Amendment) Act, 1944.	"
1945	III	An Act to amend the Act to provide for Suits against Government, 1945.	"
1945	IV	The Mysore Coffee Market Expansion (Amendment) Act, 1945.	"
1945	VI	The Mysore Prisons (Amendment) Act, 1945.	"
1945	XX	The Mysore Motor Vehicles and Road Traffic (Amendment) Act, 1945.	"
1945	XXII	The City of Bangalore Improvement (Amendment) Act, 1945.	"
1945	XXV	The Mysore Forest (Amendment) Act, 1945.	"
1945	XXVI	The Mysore Duty on Gold (Amendment) Act, 1945.	"
1945	XXVIII	The Societies Registration (Amendment) Act, 1945.	"

Statement of Objects and Reasons.

This Bill is complementary to the General Clauses (Amendment) Bill placed before the House. It has hitherto been the general practice to print in the volumes of the Mysore Code amending Acts which simply make textual alterations in previously existing Acts. Much printing space is occupied by these Acts, and no useful purpose is served by the reproduction in the volumes of the Mysore Code of amending Acts of the nature referred to, since the textual alterations made by them are incorporated in the parent Act and printed in the text in all subsequent editions, foot-notes being usually added to explain the origin of the changes. It is proposed in future not to include them in the volumes of the Code. This will greatly facilitate the work of reprinting the Code. They are published under their annual serial number in the volume of the Acts of the year in which they are passed and are easily found there if required.

The insertion of section 6 A in the General Clauses Act, as proposed in the General Clauses (Amendment) Bill, will abolish all reason for keeping amending Acts of this nature alive for, notwithstanding the repeal of such Acts, amendments made by them continue in force. The Bill contains proposals for the repeal of nearly 250 amending Acts which were passed to make textual alterations in previous enactments.

The Bill does not include for repeal any Act passed later than the close of the year 1945, that is to say, no enactment is to be repealed unless it has been in existence for 2 complete years. During this period, the publication of the enactment in the volume of the Acts of the year has been secured. Its existence has had ample time to be appreciated, and there has been ample opportunity for any modifications introduced by it in previous Acts to be noted and incorporated in their proper places.

NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Abolition of Whipping Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE ABOLITION OF WHIPPING BILL.

A Bill to provide for the abolition of the sentence of whipping.

WHEREAS it is expedient to provide for the abolition of the sentence of whipping;

It is hereby enacted as follows :—

1. (1) This Act may be called the Abolition of Whipping Act, 194 . *Short title, extent and commencement.*

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

2. Notwithstanding anything contained in any law for the time being in force, no person shall be punished with a sentence of whipping by any court or other authority for any offence under any law whatsoever. *Abolition of the sentence of whipping.*

3. The Acts specified in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof. *Repeal of certain Acts.*

THE SCHEDULE

ACTS REPEALED

(*See Section* 3.)

Year	No.	Short title	Extent of Repeal
1	2	3	4
1903	V	The Mysore Whipping Act 1903.	The whole.
1904	II	The Code of Criminal Procedure 1904.	Sections 390, 391, 392, 393, 394, 395 and the words "or whipping" in section 396.

Year	No.	Short title	Extent of Repeal
1	2	3	4
1942	XXV	The Penalties (Enhancement) Act 1942.	1. The words "or with whipping, or with whipping in addition to such rigorous imprisonment" in section 3; 2. The words "or with whipping or with whipping in addition to any punishment to which he is liable under the said Code" in section 4; 3. The words "or with whipping or with whipping in addition to any punishment to which he is liable under the said rule" in section 5; 4. The words "or under the Whipping Act, 1903," and the words "or in the case of an offence punishable under section 380 or section 382 with whipping in addition to any punishment to which he is liable under the said Code" in section 6; 5. Section 7; 6. The words "or with whipping, or with whipping in addition to any punishment to which he is liable under the said Act" in section 7-A.

Statement of Objects and Reasons.

The provisions of the law with regard to whipping as a judicial sentence are contained in sections 2 to 7 of the Mysore Whipping Act, 1903 (V of 1903), sections 390 to 396 of the Code of Criminal Procedure, 1904, and sections 3 to 7-A of the Penalties (Enhancement) Act, 1942.

Under the Whipping Act, it may be awarded as an alternative punishment for offences of the nature of, or allied to, theft, extortion, receiving stolen property and lurking house trespass or house-breaking. In respect of certain offences such as false evidence, false charge of an unnatural offence, indecent assaults on women, rape, unnatural offences, robbery or dacoity, forgery, etc., a second conviction renders the offender liable to whipping as an additional punishment. Juvenile offenders guilty of any offence punishable otherwise than with death may be sentenced to whipping in lieu of any other punishment.

The Criminal Procedure Code, 1904, prescribes the mode of inflicting the sentence of whipping and prohibits the whipping of females, of males sentenced to death, transportation, penal servitude or imprisonment for more than 5 years, and of males over 45 years of age.

The Penalties (Enhancement) Act, 1942, also provides for whipping under certain circumstances.

Mysore is perhaps the only Unit in the Indian Dominion which has abolished corporal punishment for prison offences, and the Mysore Prisons Act makes no provision for its infliction. It prevails, however, as a judicial punishment as pointed above.

Whipping as a legal punishment has been discontinued in practically every other country in the world outside the British Empire. Among countries which have abolished it are Austria, Belgium, Czechoslovakia, Denmark, France, Germany, Greece, Holland, Hungary, Italy and Switzerland.

Corporal punishment is the oldest and most primitive method of dealing with criminal offenders, and public opinion has gradually realised its ineffectiveness as a deterrent. As observed by the learned authors of a recent work on penal reform:

"No one, of course, denies that flogging like any other punishment may have a certain deterrent effect. So, no doubt, would the thumbscrew if its use were revived. The question at issue is not whether it is a deterrent but whether it is a more effective deterrent than other less objectionable penalties which might be substituted. There is no evidence to support the view that flogging is specially effective or that its abolition would be followed by any worse effects than the disappearance of any of the other cruel punishments the abolition of which proved nothing but a benefit to the community." (Calvert: The Law Breaker, page 244).

This form of punishment is gradually falling into desuetude in the State and the number of persons sentenced to whipping usually forms a very small, if not insignificant, portion of all those subjected to punishment by the Criminal Courts in the State.

It is considered desirable to abolish this form of punishment and this Bill which makes provision for its abolition has accordingly been brought forward.

NOTIFICATION.

No. R.L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Short Titles Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE SHORT TITLES BILL.

A Bill to facilitate the citation of certain Acts.

WHEREAS it is expedient to facilitate the citation of certain Acts;

It is hereby enacted as follows :—

1. This Act may be called the Mysore Short Titles Act, 194 . Short title.

2. Each of the Acts described in the first three columns of the Schedule may, without prejudice to any other mode of citation, be cited for all purposes by the short title mentioned in that behalf in the fourth column thereof. Citation of certain Acts.

THE SCHEDULE.

Year	No.	Subject	Short Title
1	2	3	4
1850	XIX	Concerning the binding of apprentices ...	The Apprentices Act, 1850.
1867	XXV	Providing for the regulation of printing-presses and News-papers, for the preservation of copies of books printed in the territories of Mysore, and for the registration of such books.	The Press and Registration of Books Act, 1867.
1873	I	An Act to prevent the indiscriminate destruction of wild elephants.	The Wild Elephants (Preservation) Act, 1873.
1885	II	Making special provision for the levy of Excise Duty payable on spirits used exclusively in Arts and Manufactures or in Chemistry.	The Excise (Spirits) Act, 1885.
1892	II	Providing compensation to families for loss occasioned by the death of a person caused by actionable wrong.	The Mysore Fatal Accidents Act, 1892.
1893	I	Providing for avoiding loss by the default of public accountants.	The Mysore Public Accountants' Default Act, 1893.
1899	I	Assimilating the law relating to Post Offices in Mysore to that which is from time to time in force in British India.	The Indian Post Office (Application to Mysore) Act, 1899.
1899	IV	Applying the provisions of the Indian Telegraph Act, 1885, to all Telegraph lines in Mysore.	The Indian Telegraph (Application to Mysore) Act, 1899.

Year	No.	Subject	Short title
1	2	3	4
1899	VI	Providing for and regulating the destruction and segregation of stray dogs and diseased horses and cattle.	The Mysore Diseased Animals (Destruction and Segregation) Act, 1899.
1902	I	Providing for the prevention of wrongful damage to the Kaveri Electric Power Transmission line.	The Kaveri Electric Power Line (Protection) Act, 1902.
1903	II	Providing for the recovery of loans made to Agricultural Banks by Government.	The Agricultural Banks (Recovery of Government Loans) Act, 1903.
1910	IV	Providing for the recognition of the representative character of the Administrator-General of Madras.	The Administrator-General of Madras (Recognition) Act, 1910.
1912	I	Providing for the protection of Judicial Officers.	The Mysore Judicial Officers' Protection Act, 1912.

The Statement of Objects and Reasons.

In our Statute Book there are some enactments with long titles and their citation is a source of inconvenience. It is very desirable that such enactments should be given appropriate short titles. This Bill has accordingly been brought for the purpose. It is proposed to give the Acts mentioned in the first column of the Schedule to the Bill, the short title given in the fourth column thereof.

NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, 10th December 1943.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Census Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE CENSUS BILL.

A Bill to provide for certain matters in connection with the taking of Census.

ARRANGEMENT OF CLAUSES.

CLAUSE.

1. Short title and extent.
2. Government to take census.
3. Appointment of census staff.
4. Status of census authorities as public servants.
5. Discharge of duties of census-officer in certain cases.
6. Power to call upon certain persons to give assistance.
7. Asking of questions and obligation to answer.
8. Occupier to permit access and affixing of numbers.
9. Occupier or manager to fill up schedule.
10. Penalties.
11. Sanction required for prosecution.
12. Operation of other laws not barred.
13. Jurisdiction.
14. Records of census not open to inspection nor admissible in evidence.
15. Temporary suspension of other law as to mode of taking census in municipalities.
16. Power in regard to expenses.
17. Grant of statistical abstracts.
18. Power to make rules.

THE MYSORE CENSUS BILL.

A Bill to provide for certain matters in connection with the taking of Census.

Preamble.

WHEREAS it is expedient to provide for the taking of census in Mysore or any part thereof whenever necessary or desirable and to provide for certain matters in connection with the taking of such census;

It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Mysore Census Act, 194 .

(2) It extends to the whole of Mysore.

Government to take census.

2. The Government may, by notification in the Official Gazette, declare its intention of taking a census in Mysore, or any part thereof, whenever it may consider it necessary or desirable so to do, and thereupon the census shall be taken.

Appointment of census staff.

3. (1) The Government may appoint a Superintendent of Census Operations to supervise the taking of the census in Mysore or any part thereof.

(2) The Government may appoint persons as Census Officers to take, or aid in, or supervise the taking of, the census within any specified local area and such persons when so appointed shall be bound to serve accordingly.

(3) A declaration in writing, signed by any authority authorised by the Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(4) The Government may delegate to such authority as it thinks fit the power of appointing census-officers conferred by sub-section (2).

Status of census authorities as public servants

4. The Superintendent of Census Operations and all census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

Discharge of duties of census-officer in certain cases.

5. (1) Where the District Magistrate or such authority as the Government may appoint in this behalf, by a written order so directs—

(*a*) every officer in command of any body of men belonging to the Military Forces of His Highness the Maharaja,

(*b*) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory, or lock-up or of any public, charitable, religious or educational institution,

(*c*) every keeper, secretary, or manager of any *sarai*, hotel, boarding-house, lodging-house, or club,

(*d*) every manager or officer of a railway or any commercial or industrial establishment, and

(*e*) every occupant of immovable property wherein at the time of the taking of the census, persons are living—

shall perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property or are employed under him, as may be specified in the order.

(2) All the provisions of this Act relating to a census-officer shall apply, so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform, shall be deemed to have committed an offence under section 187 of the Indian Penal Code, as in force in Mysore.

Power to call upon certain persons to give assistance.

6. The District Magistrate, or such authority as the Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon—

(*a*) all owners and occupiers of land, tenure-holders, and farmers and assignees of land revenue, or their agents,

(*b*) all village officers and servants in alienated tracts including inam and khayamgutta villages and jahgirs, and

(*c*) all members and officers of village panchayets, district boards and municipal councils and other local authorities and servants of such authorities,—

to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders farmers and assignees, or in the villages or other areas for which such village officers and servants are appointed, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

Asking of questions and obligation to answer.

7. (1) A census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Government and published in the Official Gazette, he may be directed to ask.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such questions to the best of his knowledge and belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband, or of any other person whose name she is forbidden by custom to mention.

Occupier to permit access and affixing of numbers.

8. Every person occupying any house, enclosure or other place shall allow census-officers such access thereto as they may require for the purposes of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier or manager to fill up schedule.

9. (1) Subject to such orders as the Government may issue in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager of any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Government may direct regarding the inmates of such house or part thereof, or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such persons as the census-officer may direct.

Penalties.

10. (1) (*a*) Any census-officer or any person lawfully required to give assistance towards the taking of a census who refuses, or neglects to use reasonable diligence in performing, any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder or any person who hinders or

obstructs another person in performing any such duty or in obeying any such order, or

(*b*) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

(*c*) any sorter, compiler or other member of the census staff who removes, secretes, damages or destroys any census document or deals with any census document in a manner likely to falsify or impair the tabulations of census results, or

(*d*) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any question asked of him by a census-officer which he is legally bound by section 7 to answer, or

(*e*) any person occupying any house, enclosure or other place who refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow, or

(*f*) any person who, removes, obliterates, alters, or damages any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(*g*) any person, who having been required under section 9 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder, or

(*h*) any person who trespasses into a census-office, shall be punishable with fine which may extend to one thousand rupees.

(2) Whoever abets any offence under sub-section (1) shall be punishable with fine which may extend to one thousand rupees.

11. No prosecution under this Act shall be instituted except with the previous sanction of the Government or of an authority authorised in this behalf by the Government. Sanction required for prosecution.

12. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act. Operation of other laws not barred.

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 11.

13. No Court inferior to that of a Magistrate of the Second Class shall try, whether under this Act or under any other law, any act or omission which constitutes an offence under this Act. Jurisdiction.

Records of census not open to inspection nor admissible in evidence.

14. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such, or any schedule delivered under section 9 and notwithstanding anything to the contrary in the Indian Evidence Act, 1872 as in force in Mysore, no entry in any such book, register, record or schedule shall be admissible in evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

Temporary suspension of other laws as to mode of taking census in municipalities.

15. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority, in consultation with the Superintendent of Census Operations or with such authority as the Government may authorise in this behalf, shall, at the time appointed for the taking of any census, cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

Power in regard to expenses.

16. Notwithstanding anything in any enactment or rule in regard to municipal, local, or village funds, the Government may direct that the whole or any part of any expenses incurred for anything done in accordance with this Act or the rules made thereunder may be charged to any municipal, local or village funds constituted for, and on behalf of, the area within which such expenses were incurred.

Grant of statistical abstracts.

17. The Superintendent of Census Operations or such person as the Government may authorise in this behalf may, if he so thinks fit, at the request and cost (to be determined by him) of any local authority or person, cause abstracts to be prepared and supplied containing any such statistical information as can be derived from the census returns for the State or any part thereof, as the case may be, being information which is not contained in any published report and which in his opinion it is reasonable for that authority or person to require.

Power to make rules.

18. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules providing for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons.

Statement of Objects and Reasons.

Legislation alone can confer the powers to put questions, mark buildings, etc., for the purposes of a census. There is no Census Act in force at the moment, since all the former Census Acts were confined to the specific census undertaken in particular years. Legislation is, therefore, necessary to provide for the census operations now to be undertaken. The present Bill is intended to be a measure for all time, unlike the previous Census Acts. It differs from the Mysore Census Act, 1940, (IX of 1940), in that it provides for a general continuous cover for census operations to be undertaken at any time, raises the fine limit from Rs. 500 to Rs. 1,000, makes abetment of census offences punishable, provides against tampering by the tabulation staff, makes it obligatory on persons nominated as census-officers by the Government to serve in the capacity directed and provides for the grant of statistical abstracts at the request and cost of any local authority or person. In other respects, it follows the Census Act of 1940.

NOTIFICATION.

No R. L. 1628-57, dated Bangalore 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Foreign Exchange Regulation (Application to Mysore) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

The Foreign Exchange Regulation (Application to Mysore) Bill.

WHEREAS it is expedient to apply to the territories of Mysore the provisions of the Foreign Exchange Regulation Act, 1947 (VII of 1947) and the rules, orders, directions and notifications made or issued thereunder by the Government of India and by the Reserve Bank of India:

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Foreign Exchange Regulation (Application to Mysore) Act, 194 .

(2) It shall come into force at once.

Application to Mysore of Indian Act VII of 1947 and the rules, orders, directions and notifications thereunder.

2. The Foreign Exchange Regulation Act, 1947 (Act No. VII of 1947) of the Indian Legislature together with all rules, orders, directions and notifications made or issued thereunder by the Government of India or by the Reserve Bank of India shall, subject to any amendments to which the said Act rules, orders, directions and notifications are for the time being subject in the Provinces of India, apply *mutatis mutandis* to the territories of Mysore and the subjects and servants of His Highness the Maharaja in any part of India.

Modification in Act, rules, orders, directions and notifications applied by section 2.

3. References in the enactment, rules, orders directions and notifications applied to the territories of Mysore by section 2, to the Provinces of India shall be construed as references to Mysore State or as including a reference to Mysore State as the context may require.

Construction of Act, rules, orders, Directions and notifications applied by section 2.

4. Any court or other authority may construe the provisions of the enactment rules, orders, directions and notifications as applied to the territories of Mysore by section 2, with such modifications not affecting the substance as may be necessary or proper in order to adapt them to the matter before the court or the authority.

Statement of Objects and Reasons.

A system of exchange control was set up in India on the outbreak of war in September 1939 for the purpose of conserving and directing to the best uses the limited supplies of foreign exchange available. The control was made effective through certain rules made under the Defence of India Act, 1939, which relate, amongst other things, to exchange control, the obligation to surrender exchange proceeds of foreign exports and restrictions on the import of currency and gold. These rules expired on the 30th September 1946, but in order to continue the provisions contained in them the Government of India have enacted the Foreign Exchange Regulation Act, 1947, and issued necessary notifications thereunder. This Act contains a few additional provisions relating to custody of certain securities, control of business by foreign companies, etc.

The financial provisions of the Defence of India Rules, as applied to Mysore, which provided for these matters prior to the 30th September 1946, have been continued in Mysore under the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947).

The Government of India have requested this Government to enact legislation on the lines of the Foreign Exchange Regulation Act, 1947, or preferably, to adopt it *mutatis mutandis* in Mysore with all the notifications issued thereunder.

Since the Indian Act seeks to ensure that the foreign exchange resources of India are husbanded and utilised to the best advantage of the entire country, and as the requirements of this State will be given the same consideration and identical treatment as those of the Central Government and Provinces, it is considered necessary to apply the provisions of the Indian Act to Mysore.

This Bill has been accordingly brought forward. It proposes to apply *mutatis mutandis* the Indian Act, and all the notifications issued thereunder to Mysore, subject to the necessary consequential changes.

A copy of the Indian Act is appended.

(*b*) "currency" includes all coins, currency notes, bank notes, postal notes, money orders, cheques, drafts, travellers' cheques letters of credit, bills of exhange and promissory notes;

(*c*) "foreign currency" means any currency other than Indian currency;

(*d*) "foreign exchange" means foreign currency and includes all deposits, credits and balances payable in any foreign currency, and any drafts, traveller's cheques, letters of credit and bills of exchange, expressed or drawn in Indian currency but payable in any foreign currency.

(*e*) "foreign security" means any security issued elsewhere than in India, and any security the principal of or interest on which is payable in any foreign currency or elsewhere than in India;

(*f*) "gold" includes gold in the form of coin, whether legal tender or not, or in the form of bullion or ingot, whether refined or not;

(*g*) "Indian currency" means currency which is expressed or drawn in Indian rupees;

(*h*) "owner in relation to any security, includes any person who has power to sell or transfer the security, or who has the custody thereof or who receives, whether on his own behalf or on behalf of any other person, dividends or interest thereon, and who has any interest therein, and in a case where any security is held on any trust or dividends, or interest thereon are paid into a trust fund, also includes any trustee or any person entitled to enforce the performance of the trust or to revoke or vary, with or without the consent of any other person, the trust or any terms thereof, or to control the investment of the trust moneys;

(*i*) "prescribed" means prescribed by rules made under this Act;

(*j*) "Reserve Bank" means the Reserve Bank of India;

(*k*) "security" means shares, stocks, bonds, debentures, debenture stock and Government securities, as defined in the Indian Securities Act, 1920 (X of 1920), deposit receipts in respect of deposits of securities, and units or sub-units of unit trusts, but does not include bills of exchange or promissory notes other than Government promissory notes;

(*l*) "silver" means silver bullion or ingot, silver sheets and plates which have undergone no process of

manufacture subsequent to rolling and uncurrent silver coin which is not legal tender in India or elsewhere;

(*m*) "transfer" includes, in relation to any security, transfer by way of loan or security.

Authorised Dealers in Foreign Exchange.

3. (1) The Reserve Bank may on application made to it in this behalf, authorise any person to deal in foreign exchange.

(2) An authorisation under this section,—

(i) may authorise dealings in all foreign currencies or may be restricted to authorising dealings in specified foreign currencies only;

(ii) may authorise transactions of all descriptions in foreign currencies or may be restricted to authorising specified transactions only;

(iii) may be granted to be effective for a specified period, or within specified amounts, and may in all cases be revoked for reasons appearing to it sufficient by the Reserve Bank.

(3) An authorised dealer shall in all his dealings in foreign exchange comply with such general or special directions or instructions as the Reserve Bank may from time to time think fit to give, and, except with the previous permission of the Reserve Bank, an authorised dealer shall not engage in any transaction involving any foreign exchange which is not in conformity with the terms of his authorisation under this section.

(4) An authorised dealer shall, before under taking any transaction in foreign exchange on behalf of any person, require that person to make such declaration and to give such information as will reasonably satisfy him that the transaction will not involve, and is not designed for the purpose of any contravention or evasion of the provisions of this Act or of any rules, directions or orders made thereunder, and where the said person refuses to comply with any such requirement or makes only unsatisfactory compliance therewith, the authorised dealer shall refuse to undertake the transaction and shall, if he has reason to believe that any such contravention or evasion as aforesaid is contemplated by the person, report the matter to the Reserve Bank.

Restrictions on Dealing in Foreign Exchange.

4. (1) Except with the previous general or special permission of the Reserve Bank, no person other than an authorised dealer shall in the Provinces, and no person resident in the Provinces, other than an authorised dealer

shall outside the Provinces, buy or borrow from, or sell or lend to, or exchange with, any person not being an authorised dealer, any foreign exchange.

(2) Except with the previous general or special permission of the Reserve Bank, no person, whether an authorised dealer or otherwise, shall enter into any transaction which provides for the conversion of Indian currency into foreign currency or foreign currency into Indian currency at rates of exchange other than the rates for the time being authotised by the Reserve Bank.

(3) Where any foreign exchange is acquired by any person other than an authorised dealer for any particular purpose, or where any person has been permitted conditionally to acquire foreign exchange, the said person shall not use the foreign exchange so acquired otherwise than for that purpose or, as the case may be, fail to comply with any condition to which the permission granted to him is subject, and where any foreign exchange so acquired cannot be so used or, as the case may be, the conditions cannot be complied with, the said person shall without delay sell the foreign exchange to an authorised dealer.

(4) Nothing in this section shall be deemed to prevent a person from buying from any post office, in accordance with any law or rules made thereunder for the time being in force, any foreign exchange in the form of postal orders or money orders.

Restrictions on payments.

5. (1) Save as may be provided in and in accordance with any general or special exemption from the provisions of this sub-section which may be granted conditionally or unconditionally by the Reserve Bank, no person in, or resident in the Provinces shall—

(*a*) make any payment to or for the credit of any person resident outside India;

(*b*) draw, issue or negotiate any bill of exchange or promissory note or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment is created or transferred in favour of any person resident outside India;

(*c*) make any payment to or for the credit of any person by order or on behalf of any person resident outside India;

(*d*) place any sum to the credit of any person esident, outside India;

(*e*) make any payment to or for the credit of any person as consideration for or in association with—

(i) the receipt by any person of a payment or the acquisition by any person of property outside India;

(ii) the creation or transfer in favour of any person of a right whether actual or contingent to receive a payment or acquire property outside India;

(*f*) draw, issue or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment is created or transferred in favour of any pereon as consideration for or in association with any matter referred to in clause (*e*).

(2) Nothing in sub-section (1) shall render unlawful—

(*a*) the making of any payment already authorised, either with foreign exchange obtained from an authorised dealer under section 4 or with foreign exchange retained by a person in pursuance of an authorisation granted by the Reserve Bank;

(*b*) the making of any payment with foreign exchange received by way of salary or payment for services not arising from business in, or anything done while in, India.

(3) Nothing in this section shall restrict the doing by any person of anything within the scope of any authorisation or exemption granted under this Act.

(4) For the purposes of this section, "security" also includes coupons or warrants representing dividends or interest and life or endowment insurance policies.

Blocked accounts.

6. (1) Where an exemption from the provisions of section 5 is granted by the Reserve Bank in respect of payment of any sum to any person resident outside India and the exemption is made subject to the condition that the payment is made to a blocked account—

(*a*) the payment shall be made to a blocked account in the name of that person in such manner as the Reserve Bank may by general or special order direct; and

(*b*) the crediting of that sum to that account shall, to the extent of the sum credited, be a good discharge to the person making the payment.

(2) No sum standing at the credit of a blocked account shall be drawn on except in accordance with any general or special permission which may be granted conditionally or otherwise by the Reserve Bank.

(3) In this section "blocked account" means an account opened as a blocked account at any office or branch in the Provinces of a bank authorised in this behalf by the Reserve Bank, or an account blocked, whether before or after the commencement of this Act, by the order of the Reserve Bank.

Special accounts

7. (1) Where in the opinion of the Central Government it is necessary or expedient to regulate payments due to persons resident in any territory, the Central Government may, by notification in the official Gazette, direct that such payments or any class of such payments shall be made only into an account (hereinafter referred to as a special account) to be maintained for the purpose by the Reserve Bank or an authorised dealer specially authorised by the Reserve Bank in this behalf.

(2) The credit of a sum to a special account shall, to the extent of the sum credited, be a good discharge to the person making the payment:

Provided that where the liability of the person making the payment is to make the payment in foreign currency, the extent of the discharge shall be ascertained by converting the amount paid into that currency at such rate of exchange as is for the time being fixed or authorised by the Reserve Bank.

(3) The sum standing to the credit of any special account shall from time to time be applied—

(a) where any agreement is entered into between the Central Government and the Government of the territory to which the aforesaid notification relates for the regulation of payments between persons resident in the Provinces and in that territory, in such manner as the Reserve Bank, having regard to the provisions of such agreement, may direct, or

(b) where no such agreement is entered into, for the purpose of paying wholly or partly and in such order of preference and at such times as the Central Government may direct, debts due from the persons resident in the said territory to persons resident in the Provinces or in such other territories as the Central Government may by order specify in this behalf,

Restrictions on Import and Export of certain Currency and Bullion.

8. (1) The Central Government may, by notification in the official Gazette, order that, subject to such exemptions, if any, as may be contained in the notification, no person shall, except with the general or special permission of the Reserve Bank and on payment of the fee, if any, prescribed bring or send into the Provinces any gold or silver or any currency notes or bank notes or coin whether Indian or foreign.

Explanation.—The bringing or sending into any port or place in British India of any such article as aforesaid intended to be taken out of British India without being removed from the ship or conveyance in which it is being carried shall nonetheless be deemed to be a bringing or as the case may be sending, into British India of that article for the purposes of this section.

(2) No person shall except with the general or special permission of the Reserve Bank or the written permission of a person authorised in this behalf by the Reserve Bank, take or send out of the Provinces any gold, jewellery or precious stones or Indian currency notes, bank notes or coin or foreign exchange other than foreign exchange obtained from an authorised dealer.

(3) The restrictions imposed by sub-sections (1) and (2) shall be deemed to have been imposed under section 19 of the Sea Customs Act, 1878 (VIII of 1878) without prejudice to the provisions of section 23 of this Act, and all the provisions of that Act shall have effect accordingly.

Acquisition by Central Government of Foreign Exchange.

9. The Central Government may, by notification in the official Gazette, order every person in or resident in the Provinces,—

(*a*) who owns such foreign exchange as may be specified in the notification to offer it, or cause it to be offered for sale to the Reserve Bank on behalf of the Central Government or to such person, as the Reserve Bank may authorise for the purpose, at such price as the Central Government may fix, being a price which is in the opinion of the Central Government not less than the market rate of the foreign exchange when it is offered for sale;

(*b*) who is entitled to assign any right to receive such foreign exchange as may be specified in the notification, to transfer that right to the Reserve Bank on behalf of the Central Government on payment of such

consideration therefor as the Central Government may fix;

Provided that the Central Government may by the said notification or another order exempt any persons or class of persons from the operation of such order:

Provided further that nothing in this section shall apply to any foreign exchange acquired by a person from an authorised dealer and retained by him with the permission of the Reserve Bank for any purpose.

Duty of persons entitled to receive Foreign exchange, etc.

10. (1) No person who has a right to receive any foreign exchange or to receive from a person resident outside India a payment in rupees shall, except with the general or special permission of the Reserve Bank, do or refrain from doing any act with intent to secure—

(*a*) that the receipt by him of the whole or part of that foreign exchange or payment is delayed, or

(*b*) that the foreign exchange or payment ceases in whole or in part to be receivable by him.

(2) Where a person has failed to comply with the requirements of sub-section (1) in relation to any foreign exchange or payment in rupees, the Reserve Bank may give to him such directions as appear to be expedient for the purpose of securing the receipt of the foreign exchange or payment as the case may be.

Power to regulate the uses, etc., of imported Gold and Silver.

11. The Central Government may, by notification in the official Gazette, impose such conditions as it thinks necessary or expedient on the use or disposal of or dealings in gold and silver prior to, or at the time of, import into the Provinces.

Payment for Exported Goods.

12. (1) The Central Government may, by notification in the official Gazette, prohibit the export of any goods or class of goods specified in the notification from the Provinces directly or indirectly to any place so specified unless a declaration supported by such evidence as may be prescribed or so specified, is furnished by the exporter to the prescribed authority that the amount representing the full export value of the goods has been, or will within the prescribed period be paid in the prescribed manner.

(2) Where any export of goods has been made to which a notification under sub-section (1) applies, no person entitled to sell, or procure the sale of, the said goods shall, except with the permission of the Reserve

Bank, do or refrain from doing any act with intent to secure that—

(a) the sale of the goods is delayed to an extent which is unreasonable having regard to the ordinary course of trade, or

(b) payment for the goods is made otherwise than in the prescribed manner or does not represent the full amount payable by the foreign buyer in respect of the goods, subject to such deductions, if any as may be allowed by the Reserve Bank, or is delayed to such extent as aforesaid:

Provided that no proceedings in respect of any contravention of this sub-section shall be instituted unless the prescribed period has expired and payment for the goods representing the full amount as aforesaid has not been made in the prescribed manner.

(3) Where in relation to any such goods the said period has expired and the goods have not been sold and payment therefor, has not been made as aforesaid, the Reserve Bank may give to any person entitled to sell the goods or to procure the sale thereof, such directions as appear to it to be expedient for the purpose of securing the sale of the goods and payment therefor as aforesaid, and without prejudice to the generality of the foregoing provision, may direct that the goods shall be assigned to the Central Government or to a person specified in the directions.

(4) Where any goods are assigned in accordance with sub-section (3) the Central Government shall pay to the person assigning them such sum in consideration of the net sum recovered by or on behalf of the Central Government in respect of the goods as may be determined by the Central Government.

(5) Where in relation to any such goods the value as stated in the invoice is less than the amount which in the opinion of the Reserve Bank represents the full export value of those goods, the Reserve Bank may issue an order requiring the person holding the shipping documents to retain possession thereof until such time as the exporter of the goods has made arrangements for the Reserve Bank or a person authorised by the Reserve Bank to receive on behalf of the exporter payment in the prescribed manner of an amount which represents in the opinion of the Reserve Bank the full export value of the goods.

(6) For the purpose of ensuring compliance with the provisions of this section and any orders or directions made thereunder, the Reserve Bank may require any person making any export of goods to which a notification under sub-section (1) applies to exhibit contracts with his foreign buyer or other evidence to show that the full amount payable by the said buyer in respect of the goods has been, or will, within the prescribed period be, paid in the prescribed manner.

Regulation of Export and transfer of Securities.

13. (1) No person shall, except with the general or special permission of the Reserve Bank,—

(a) take or send any security to any place outside India;

(*b*) transfer any security or create or transfer any interest in a security to or in favour of a person resident outside India;

(*c*) transfer any security from a register in the Provinces to a register outside India or do any act which is calculated to secure, or forms part of a series of acts which together are calculated to secure, the substitution for any security which is either in, or registered in, the Provinces of any security which is either outside or registered outside India;

(*d*) issue, whether in the Provinces or elsewhere, any security which is registered or to be registered in the Provinces, to a person resident outside India.

(2) Where the holder of a security is a nominee, neither he nor any person through whose agency the exercise of all or any of the holder's rights in respect of the security is controlled shall, except with the general or special permission of the Reserve Bank, do any act whereby he recognises or gives effect to the substitution of another person as the person from whom he directly receives instructions, unless both the persons previously instructing him and the person substituted for that person were, immediately before the substitution, resident in India.

(3) The Reserve Bank may, for the purpose of securing that the provisions of this section are not evaded, require that the person transferring any security and the person to whom such security is transferred shall subscribe to a declaration that the transferee is not resident outside India.

(4) Notwithstanding anything contained in any other law, no person shall, except with the permission of the Reserve Bank,

(*a*) enter any transfer of securities in any register or book in which securities are registered or inscribed if he has any ground for suspecting that the transfer involves any contravention of the provisions of this section, or

(*b*) enter in any such register or book, in respect of any security, whether in connection with the issue or transfer of the security or otherwise an address outside India except by way of substitution for any such address in the same country or for the purpose of any transaction for which permission has been granted under this section with knowledge that it involves entry of the said address.

(5) For the purposes of this section,—

(*a*) "holder" in relation to a bearer security means the person having physical custody of the security; provided that, where a bearer security is deposited with any person in a locked or sealed receptacle from which the person with whom it is deposited is not entitled to remove it without the authority of some other person, that other person shall be deemed to be the holder of the security;

(*b*) "nominee" means a holder of any security (including a bearer security) or any coupon representing dividends or interest who, as respects the exercise of any rights in respect of the security or coupon, is not entitled to exercise those rights except in accordance with instructions given by some other person, and a person holding a security or coupon as a nominee shall be deemed to act as nominee for the person who is entitled to give instructions either directly or through the agency of one or more persons, as to the exercise by the holder of the security or coupon of any rights in respect thereof and is not, in so doing, himself under a duty to comply with instructions given by some other person;

(*c*) "security" also includes coupons or warrants representing dividends or interest, and life or endowment insurance policies.

Custody of Securities.

14. (1) The Central Government may, by notification in the official Gazette order every person by whom or on whose behalf a security or document of title to a security specified in the order is held in the Provinces to cause the said security or document of title to be kept in the custody of an authorised depository named in the order:

Provided that the Reserve Bank may by order in writing permit any such security to be withdrawn from the custody of the authorised depository subject to such conditions as may be specified in the order.

(2) No authorised depository may part with any security covered by an order under sub-section (1) without the general or special permission of the Reserve Bank except to or to the order of, another authorised depository.

(3) Except with the general or special permission of the Reserve Bank, no authorised depository shall—

(*a*) accept or part with any security covered by an order under sub-section (1) whereby the security is transferred into the name of a person resident outside India, or

(*b*) do any act whereby he recognises or gives effect to the substitution of another person as the person from whom he directly receives instructions relating to such security unless the person previously so instructing him and the person substituted for that person were immediately before the substitution resident in India.

(4) Except with the general and special permission of the Reserve Bank, no person shall buy, sell or transfer any security, or document of title to a security, covered by an order under sub-section (1) unless such security or document of title has been deposited in accordance with the order.

(5) Except with the general or special permission of the Reserve Bank no capital moneys, interest or dividends in respect of any security covered by an order under sub-section (1) shall be paid in the provinces except to or to the order of the authorised depository having the custody of the security.

(6) For the purpose of this section,—

(*a*) "authorised depository" means a person notified by the Central Government to be entitled to accept the custody of securities and documents of title to securities, and

(*b*) "security" shall include coupons.

Restrictions on issue of Bearer Securities.

15. The Central Government may, by notification in the official Gazette, order that except with the general or special permission of the Reserve Bank no person shall in the Provinces issue any bearer security or coupon or so alter any document that it becomes a bearer security or coupon.

Acquisition by Central Government of Foreign Securities.

16. (1) Subject to any exemptions that may be contained in notification, the Central Government may, if it is of opinion that it is expedient so to do for the purpose of strengthening its foreign exchange position by notification in the official Gazette,—

(*a*) order the transfer to itself of any foreign securities specified in the notification at a price so specified, being a price which is, in the opinion of the Central Government not less than the market value of the securities on the date of the notification, or

(*b*) direct the owner of any foreign securities specified, in the notification to sell or procure the sale of the securities and thereafter to offer or cause to be offered the net foreign exchange proceeds of the sale to the Reserve Bank on behalf of the Central Government or to such person as the Reserve Bank may authorise for the purpose, at such price, the Central Government may fix, being a price which is in the opinion of the Central Government not less than the market rate of the foreign exchange when it is offered for sale.

(2) On the issue of a notification under clause (a) of sub-section (1),—

(*a*) the securities to the notification relates shall forthwith vest in the Central Government free from any mortgage, pledge or charge, and the Central Government may deal with them in such manner as it thinks fit;

(*b*) the owner of any of the securities to which the notification relates and any person who is responsible for keeping any registers or books in which any of those securities are registered or inscribed, or who is otherwise concerned with the registration or inscription of any of those securities, shall do all such things as are necessary or as the Central Government or the Reserve Bank may order to be done, for the purpose of securing that—

(i) the securities and any documents of title relating there to are delivered to the Central Government and, in the case of registered or inscribed securities, that the securities are registered, or inscribed in the name of the Central Government or of such nominee of the Central Government as it may specify, and

(ii) any dividends or interest on those securities becoming payable on or after the date of the issue of the notification are paid to the

Central Government or its nominee as aforesaid and where in the case of any security payable to bearer which is delivered in pursuance of the said notification, any coupons representing any such dividends or interest are not delivered with the security, such reduction in the price payable therefor shall be made as the Central Government thinks fit:

Provided that where the price specified in the notification in relation to any security is ex-dividend or ex-interest, this sub-clause shall not apply to that dividend or interest or to any coupon representing it.

(3) A certificate signed by any person authorised in this behalf by the Central Government that any specified securities are securities transferred to the Central Government under this section shall be treated by all persons concerned as conclusive evidence that the securities have been so transferred.

Restriction on Settlement.

17. (1) No person resident in the Provinces shall, except with the general or special permission of the Reserve Bank, settle any property, otherwise than by will, upon any trust under which a person who at the time of the settlement is resident outside India, elsewhere than in territories notified in this behalf by the Reserve Bank, will have an interest in the property, or exercise, other than by will, any power for payment in favour of a person who at the time of the exercise of the power is resident outside India elsewhere than in such notified territories.

2) A settlement or power as aforesaid shall not be invalid except in so far as it confers any right or benefit on any person who at the time of the settlement or the exercise of the power is resident outside India, elsewhere than in territories notified by the Reserve Bank.

Certain Provisions as to Companies.

18. (1) Except with the general or special permission of the Reserve Bank, no person resident in British India shall do any act whereby a company, which is controlled by persons resident in India or the United Kingdom, ceases to be so controlled.

(2) Except with the general or special permission of the Reserve Bank, no person resident in British India shall lend any money either to any company (other than a banking company) which is controlled, whether directly or indirectly, by persons resident outside India elsewhere than in the United Kingdom or territories notified in this behalf by the Reserve Bank, or to any such person.

Power to call for Information.

19. (1) The Central Government may, at any time by notification in the official Gazette, direct owners, subject to such exceptions, if any, as may be specified in the notification, of such foreign exchange or foreign securities as may be so specified, to make a return thereof to the Reserve Bank within such period and giving such particulars, as may be so specified.

(2) The Central Government may by order in writing require any person to furnish it or any person specified in the order with any information, book or other document in his possession, being information, book or document which the Central Government considers it necessary or expedient to obtain and examine for the purposes of this Act.

(3) If on a representation in writing made by a person authorised in this behalf by the Central Government or the Reserve Bank, a District Magistrate, Sub-Divisional Magistrate, Presidency Magistrate or Magistrate of the first class has reason to believe that a contravention of any of the provisions of this Act has been, or is being or is about to be committed in any place he may by warrant authorise any police officer not below the rank of sub-inspector—

(*a*) to enter and search any place in the manner specified in the warrant; and

(*b*) seize any books or other documents found in or on such place which should have been produced in compliance with a requisition issued under sub-section (2) or which the police officer has reason to believe to contain the information required to be furnished under that sub-section.

Explanation.—In this sub-section, "place" includes a house, building, tent, vehicle, vessel or aircraft.

(4) The provisions of sub-sections (1), (2) and (3) of section 54 of the Indian Income-tax Act, 1922 (XI of 1922), shall apply in relation to information obtained under sub-section (2) of this section as they apply to the particulars referred to in that section, and for the purposes of such application—

(*a*) the said sub-section (3) shall be construed as if in clause (*a*) thereof there was included reference to a prosectuion for an offence under section 23 of this Act, and

(*b*) persons to whom any information is required to be furnished under an order made under sub-section (2) of this section shall be deemed to be public servants within the meaning of that section.

Supplemental Provisions.

20. (1) For the purposes of this Act and of any rules, directions or orders made thereunder :—

(*a*) until the Reserve Bank by general or special order otherwise directs, any person who has at any time after the commencement of this Act been resident in India shall be treated as still being resident in India and if such direction is given in relation to any such person the Reserve Bank may by the same or a subsequent direction, declare the territory in which he shall be treated as being resident ;

(*b*) in the case of any person to whom clause (*a*) does not apply the Reserve Bank may by general or special order declare the territory in which he shall be treated as being resident ;

(*c*) in the case of any person resident in the provinces who leaves India, the Reserve bank may give a direction to any Bank that until the direction is revoked, any sum from time to time standing to the credit of that person and any security held on his behalf at any office or branch of that Bank in the provinces specified in the direction, shall not be dealt with except with the permission of the Reserve Bank ;

(*d*) any transactions with a branch of any business, whether carried on by a body corporate or otherwise, shall be treated in all respects as if the branch were a body corporate resident where the branch is situated ;

(*e*) the making of any book entry or other statement recording a debit against a branch of any business in favour of the head office or any other branch of that business shall be teated as the acknowledgment of a debt whereby a right is created in favour of a person resident where the head office or other branch is situated.

(2) Nothing in this Act relating to the payment of any price or sum by the Central Government shall be construed as requiring the Central Government to pay that price or sum otherwise than in Indian currency or otherwise than in India.

(3) The Reserve Bank may give directions in regard to the making of payments and the doing of other acts by bankers, authorised dealers, travel agents or stock brokers and other persons who are authorised by the Reserve

Bank to do anything in pursuance of this Act in the course of their business, as appear to it to be necessary or expedient for the purpose of securing compliance with the provisions of this Act and any rules, orders or directions made thereunder.

Contracts in Evasion of this Act.

21. (1) No person shall enter into any contract or agreement which would directly or indirectly evade or avoid in any way the operation of any provision of this Act or of any rule direction or order made thereunder.

(2) Any provision of, or having affect under this Act that a thing shall not be done without the permission of the Central Government or the Reserve Bank, shall not render invalid any agreement by any person to do that thing, if it is a term of the agreement that that thing shall not be done unless permission is granted by the Central Government or the Reserve Bank, as the case may be; and it shall be an implied term of every contract governed by the law of any part of the Provinces that anything agreed to be done by any term of that contract which is prohibited to be done by or under any of the provisions of this Act except with the permission of the Central Government or the Reserve Bank, shall not be done unless such permission is granted.

(3) Neither the provisions of this Act nor any term (whether expressed or implied) contained in any contract that anything for which the permission of the Central Government or the Reserve Bank is required by the said provisions shall not be done without that permission, shall prevent legal proceedings being brought in the provinces to recover any sum which, apart from the said provisions and any such term, would be due, whether as a debt, damages or otherwise, but—

(*a*) the said provisions shall apply to sums required to be paid by any judgment or order of any Court as they apply in relation to other sums; and

(*b*) no steps shall be taken for the purpose of enforcing any judgment or order for the payment of any sum to which the said provisions apply except as respects so much thereof as the Central Government or the Reserve Bank, as the case may be, may permit to be paid; and

(*c*) for the purpose of considering whether or not to grant such permission, the Central Government or the Reserve Bank, as the case may be, may require the

person entitled to the benefit of the judgment or order and the debtor under the judgment or order, to produce such documents and to give such information as may be specified in the requirement.

(4) Notwithstanding anything in the Negotiable Instruments Act, 1881 (XXVI of 1881), neither the provisions of this Act or of any rule, direction or order made thereunder, nor any condition, whether express or to be implied having regard to those provisions, that any payment shall not be made without permission under this Act, shall be deemed to prevent any instrument being a bill of exchange or promissory note.

False Statements.

22. No person shall, when complying with any order or direction under section 19 or when making any application or declaration to any authority or person for any purpose under this Act, give any information or make any statements which he knows or has reasonable cause to believe to be false, or not true, in any material particular.

Penalty and Procedure.

23. (1) Whoever contravenes any of the provisions of this Act or of any rule, direction or order made thereunder shall be punishable with imprisonment for a term which may extend to two years or with fine or with both, and any Court trying any such contravention may, if it thinks fit and in addition to any sentence which it may impose for such contravention, direct that any currency security, gold or silver, or goods or other property in respect of which the contravention has taken place shall be confiscated.

(2) No Court shall take cognisance of any offence punishable under this section or under section 54 of the Indian Income-tax Act, 1922 (XI of 1922), as applied by section 19 of this Act, except upon complaint in writing made by a person authorised in this behalf by the Central Government or the Reserve Bank:

Provided that where any such offence is the contravention of any of the provisions of this Act or any rule, direction or order made thereunder which prohibits the doing of an act without permission, no such complaint shall be made unless the person accused of the offence has been given an opportunity of showing that he had such permission.

(3) If the person committing an offence punishable under this section is a company or other body corporate, every director, manager, secretary, or other officer thereof

shall, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

Burden of proof in certain cases.

24. Where any person is prosecuted for contravening any provision of this Act or of any rule, direction or order made thereunder which prohibits him from doing an act without permission, the burden of proving that he had the requisite permission shall be on him.

Power to Central Government to give direction.

25. For the purposes of this Act the Central Government may from time to time give to the Reserve Bank such general or special directions as it thinks fit, and the Reserve Bank shall, in the exercise of its functions under this Act comply with any such directions.

Bar of Legal Proceedings.

26. No suit, prosecution, or other legal proceedings shall lie against any person for anything in good faith done or intended to be done under this Act or any rule, direction or order made thereunder.

Power to make Rule.

27. (1) The Central Government may, by notification in the official Gazette, make rules for carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe forms and the circumstances of their use for the purposes of this Act;

(*b*) prescribe the procedure to be followed by authorised dealers and by persons applying for permission to do anything for the doing of which permission is necessary under this Act;

(*c*) provide for any matter which is to be or may be prescribed under this Act.

NOTIFICATION.

No. R.L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Employers' Liability Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE EMPLOYERS' LIABILITY BILL.

A Bill to declare that certain defences shall not be raised in suits for damages in Mysore in respect of injuries sustained by workmen.

WHEREAS it is expedient to declare that certain defences shall not be raised in suits for damages in Mysore in respect of injuries sustained by workmen; It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Employers' Liability Act, 194 . Short title and extent.

(2) It extends to the whole of Mysore.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "workman" means any person who has entered into, or works under a contract of, service or apprenticeship with an employer whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, oral or in writing; and

(*b*) "employer" includes any body of persons whether incorporated or not, any managing agent of an employer, and the legal representatives of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has

entered into a contract or service or apprenticeship means such other person while the workman is working for him.

Defence of common employment barred in certain cases.

3. Where personal injury is caused to a workman—

(*a*) by reason of the omission of the employer to maintain in good and safe condition any way, works, machinery or plant connected with or used in his trade or business, or by reason of any like omission on the part of any person in the service of the employer who has been entrusted by the employer with the duty of seeing that such way, works, machinery or plant are in good and safe condition; or

(*b*) by reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him, whilst in the exercise of such superintendence; or

(*c*) by reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform and did conform, where the injury resulted from his having so conformed; or

(*d*) by reason of any act or omission of any person in the service of the employer done or made in obedience to any rule or bye-law of the employer (not being a rule or bye-law which is required by or under any law for the time being in force to be approved by any authority and which has been so approved) or in obedience to particular instructions given by any person to whom the employer has delegated authority in that behalf or in the normal performance of his duties;

a suit for damages in respect of the injury instituted by the workman or by any person entitled in case of his death shall not fail by reason only of the fact that the workman was at the time of the injury a workman of, or in the service of, or engaged in the work of, the employer.

Risk not to be deemed to have been assumed without full knowledge.

4. In any such suit for damages, the workman shall not be deemed to have undertaken any risk attaching to the employment unless the employer proves that the risk was fully explained to and understood by the workman and that the workman voluntarily undertook the same.

Saving.

5. Nothing in this Act shall affect the validity of any decree or order of a Civil Court passed before the commencement of this Act in any such suit for damages.

Repeal.

6. The entry relating to the Employers' Liability Act, 1938, (XXIV of 1938), in Schedule B to the Retroceded Area (Application of Laws) Act, 1948, shall be omitted. But anything done or any action taken in exercise of any power conferred by or under the said Employers' Liability Act, 1938, shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act.

Statement of Objects and Reasons.

Under the common law of England in civil suits for damages for injuries sustained by workmen it is open to the employer to plead—

(*a*) the doctrine of common employment, by which the employer is not normally liable to pay damages to a workman for an injury resulting from the default of another workman;

(*b*) the doctrine of assumed risk, by which an employee is presumed to have accepted a risk, if it is such that, he ought to have known it to be part of the risks of his occupation.

The Royal Commission on Labour regarded both these doctrines as inequitable and recommended by a majority that a measure should be enacted abrogating these defences. The Provincial Governments were consulted in 1932 by the Central Government, and all of them were almost unanimously in favour of legislation for the purpose. An Act known as the Employers' Liability Act, 1938, was accordingly passed by the Central Legislature abolishing these defences in the case of all workmen.

There is no such enactment in Mysore, but in the Retroceded Area this enactment was introduced by the Central Government when the area was under its administration, and it still continues to be in force there.

It is considered desirable to have a similar law in Mysore. This Bill has accordingly been brought forward.

NOTIFICATION.

No. R.L. 1628-50, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Employment of Children Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE EMPLOYMENT OF CHILDREN BILL.

A Bill to regulate the admission of children to certain industrial employments.

WHEREAS it is expedient to regulate the admission of children to certain industrial employments ;

It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Mysore Employment of Children Act, 194 .

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act—

(*a*) "Occupier" of a workshop means the person who has ultimate control over the affairs of the workshop ;

(*b*) "prescribed" means prescribed by rules made under this Act ;

(*c*) "workshop" means any premises (including the precincts thereof) wherein any industrial process is carried on, but does not include any premises to which the provisions of section 50 of the Mysore Factories Act, 1936, for the time being apply.

Prohibition of employment of children in certain occupations.

3. (1) No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation connected with the transport of passengers, goods or mails by railway.

(2) No child who has not completed his twelfth year shall be employed, or permitted to work, in any workshop wherein any of the processes set forth in the Schedule is carried on :

Provided that nothing in this sub-section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family only and without employing hired labour or to any school established by, or receiving assistance or recognition from the Government.

Power to amend the Schedule.

4. The Government, after giving, by notification in the Official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any description of process to the Schedule, and thereupon the Schedule shall have force in Mysore as if it has been enacted accordingly.

Notice to inspectors before carrying on work in certain processes.

5. Before work in any of the processes set forth in the Schedule is carried on in any workshop the occupier shall send to the inspector, within whose local limits the workshop is situated, a written notice containing—

(*a*) the name and situation of the workshop,

(*b*) the name of the person in actual management of the workshop,

(*c*) the address to which communications relating to the workshop should be sent, and

(*d*) the nature of the processes to be carried on in the workshop.

Disputes as to age.

6. If any question arises between an inspector and an employer as to whether any child has or has not completed his twelfth or fifteenth year, as the case may be, the question shall, in the absence of a certificate as to the age of such child, granted by a prescribed medical authority, be referred by the inspector for decision to the prescribed medical authority.

Penalty.

7. Whoever employs any child or permits any child to work in contravention of the provisions of section 3 or fails to give notice as required by section 5 shall be punishable with fine which may extend to five hundred rupees.

Procedure relating to offences.

8. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of an inspector appointed under section 9.

(2) Every certificate as to the age of a child which has been granted by a prescribed medical authority shall, for the purposes of this Act, be conclusive evidence as to the age of the child to whom it relates.

(3) No Court inferior to that of a Magistrate of the First Class shall try any offence under this Act.

Appointment of Inspectors.

9. The Government may appoint persons to be inspectors for the purpose of securing compliance with the provisions of this Act, and any inspector so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Power to make rules.

10. (1) The Government may by notification in the Official Gazette and subject to the condition of previous publication make rules for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) regulate the procedure of inspectors appointed under section 9, and

(b) make provision for the grant of certificates of age in respect of young persons in employment or seeking employment, the medical authorities which may issue such certificates, the form of such certificate, the charges which may be made therefor, and the manner in which such certificates may be issued:

Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the authority concerned.

11. The entry relating to the Employment of Children Act, 1938, in Schedule B to the Retroceded Area (Application of Laws) Act, 1948, shall be omitted. But anything done or any action taken in exercise of any power conferred by or under the said Employment of Children Act, 1938, shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act. Repeal.

THE SCHEDULE.

(See *Sections 3, 4 and 5*).

List of Processes.

1. Bidi-making.
2. Carpet-weaving.
3. Cement manufacture, including bagging of cement.
4. Cloth-printing, dyeing and weaving.
5. Manufacture of matches, explosives and fire works.
6. Mica-cutting and splitting.
7. Shellac manufacture.
8. Soap manufacture.
9. Tanning.
10. Wool cleaning.

Statement of Objects and Reasons.

The twenty-third session of the International Labour Conference adopted a convention in which a special Article for India was inserted fixing the minimum age at which children may be employed or may work in the transport of passengers, goods or mails by rails, or in the handling of goods at docks, wharves or quays at 13 years.

An Act was accordingly passed by the Central Legislature in 1938 prohibiting the employment of children under 15 in occupations connected with the transport of goods, passengers, or mails on railways and for raising the minimum age for handling goods in docks from 12 to 14, the age recommended by the Royal Commission on Labour. A simple procedure enabling employees to safeguard themselves against transgression of the Act by furnishing themselves with or requiring candidates for employment to possess certificates of age is also provided in the Act.

The Royal Commission on Labour drew attention to the serious abuses prevalent in may establishments not subject to the Factories Act. In particular mention is made of the employment of children often at a very early age in various offensive and in some cases, dangerous occupations. An enactment known as the Employment of Children (Amendment) Act, 1939, was accordingly passed by the Central Legislature to prohibit the employment of children under 12 on premises carrying on occupations enumerated in the schedule which have been selected either because they are unhealthy or commonly accompanied by exploitation of child labour. The occupations in which child labour is prohibited are

1. Beedi making;
2. Carpet weaving;
3. Cement manufacture including bagging of cement;
4. Cloth printing, dyeing and weaving;
5. Manufacture of matches, explosives and fire works;
6. Mica cutting and splitting;
7. Shellac manufacture;
8. Soap manufacture;
9. Tanning;
10. Wool cleaning.

There is no enactment in Mysore on the lines of the Employment of Children Act, except in the Civil Station, Bangalore, where it was introduced while the area was under the administration of the Crown Representative. It is considered desirable to have similar legislation in Mysore. This Bill, which closely follows the Central Act of 1938 as amended by the Act of 1939, has accordingly been brought forward.

NOTIFICATION.

No. R.L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Arbitration Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE ARBITRATION BILL.

ARRANGEMENT OF CLAUSES.

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INTRODUCTORY.

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2. Definitions.

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3. Provisions implied in arbitration agreement.
4. Agreement that arbitrators be appointed by third party.
5. Authority of appointed arbitrator or umpire irrevocable except by leave of Court.
6. Arbitration agreement not to be discharged by death of party thereto.
7. Provisions in case of insolvency.
8. Power of Court to appoint arbitrator or umpire.
9. Power to party to appoint new arbitrator or, in certain cases, a sole arbitrator.
10. Provisions as to appointment of three or more arbitrators.
11. Power to Court to remove arbitrators or umpire in certain circumstances.
12. Power of Court where arbitrator is removed or his authority revoked.
13. Power of arbitrator.
14. Award to be signed and filed.
15. Power of Court to modify award.
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17. Judgment in terms of award.
18. Power of Court to pass interim orders.
19. Power to supersede arbitration when award becomes void or is set aside.

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THE MYSORE ARBITRATION BILL.

A Bill to consolidate and amend the Law relating to Arbitration.

WHEREAS it is expedient to consolidate and amend the law relating to arbitration in Mysore;

It is hereby enacted as follows :—

CHAPTER I.

INTRODUCTION.

1. (1) This Act may be called the Mysore Arbitration Act, 194 . **Short title, extent and commencement.**

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,— **Definitions.**

(*a*) "arbitration agreement" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not;

(*b*) "award" means an arbitration award;

(*c*) "Court" means a Civil Court having jurisdiction to decide the questions forming the subject-matter of the reference if the same had been the subject-matter of a suit, but does not, except for the purpose of arbitration proceedings under section 21, include a Small Cause Court;

(*d*) "legal representative" means a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased, and, where a party acts in a representative character, the person on whom the estate devolves on the death of the party so acting;

(*e*) "reference" means a reference to arbitration.

CHAPTER II.

ARBITRATION WITHOUT INTERVENTION OF A COURT.

3. An arbitration agreement, unless a different intention is expressed therein, shall be deemed to include the provisions set out in the First Schedule in so far as they are applicable to the reference. **Provisions implied in arbitration agreement.**

4. The parties to an arbitration agreement may agree that any reference thereunder shall be to an arbitrator or arbitrators to be appointed by a person designated in the agreement either by name or as the holder for the time being of any office or appointment. **Agreement that arbitrators be appointed by third party.**

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Authority of appointed arbitrator or umpire irrevocable except by leave of Court.

5. The authority of an appointed arbitrator or umpire shall not be revocable except with the leave of the Court, unless a contrary intention is expressed in the arbitration agreement.

Arbitration agreement not to be discharged by death of party thereto.

6. (1) An arbitration agreement shall not be discharged by the death of any party thereto, either as respects the deceased or any other party, but shall in such event be enforceable by or against the legal representative of the deceased.

(2) The authority of an arbitrator shall not be revoked by the death of any party by whom he was appointed.

(3) Nothing in this section shall affect the operation of any law by virtue of which any right of action is extinguished by the death of a person.

Provisions in case of insolvency.

7. (1) Where it is provided by a term in a contract to which an insolvent is a party that any differences arising thereout or in connection therewith shall be referred to arbitration, the said term shall, if the receiver adopts the contract, be enforceable by or against him so far as it relates to any such differences.

(2) Where a person who has been adjudged an insolvent had, before the commencement of the insolvency proceedings, become a party to an arbitration agreement and any matter to which the agreement applies is required to be determined in connection with, or for the purposes of, the insolvency proceedings, then, if the case is one to which sub-section (1) does not apply, any other party to the agreement or the receiver may apply to the Court having jurisdiction in the insolvency proceedings for an order directing that the matter in question shall be referred to arbitration in accordance with the agreement, and the Court may, if it is of opinion that, having regard to all the circumstances of the case, the matter ought to be determined by arbitration, make an order accordingly.

Power of court to appoint arbitrator or umpire.

8. (1) In any of the following cases—

(*a*) where an arbitration agreement provides that the reference shall be to one or more arbitrators to be appointed by consent of the parties, and all the parties do not, after differences have arisen, concur in the appointment or appointments; or

(*b*) if any appointed arbitrator or umpire neglects or refuses to act, or is incapable of acting, or dies, and the arbitration agreement does not show that it was intended that the vacancy should not be supplied, and the parties or the arbitrators, as the case may be, do not supply the vacancy; or

(*c*) where the parties or the arbitrators are required to appoint an umpire and do not appoint him; any party may serve the other parties or the arbitrators, as the case may be, with a written notice to concur in the appointment or appointments or in supplying the vacancy.

(2) If the appointment is not made within fifteen clear days after the service of the said notice, the Court may, on the

application of the party who gave the notice and after giving the other parties an opportunity of being heard, appoint an arbitrator or arbitrators or umpire, as the case may be, who shall have like power to act in the reference and to make an award as if he or they had been appointed by consent of all parties.

Power to party to appoint new arbitrator or, in certain cases, a sole arbitrator.

9. Where an arbitration agreement provides that a reference shall be to two arbitrators, one to be appointed by each party, then, unless a different intention is expressed in the agreement,—

(*a*) if either of the appointed arbitrators neglects or refuses to act, or is incapable of acting, or dies, the party who appointed him may appoint a new arbitrator in his place;

(*b*) if one party fails to appoint an arbitrator either originally or by way of substitution as aforesaid, for fifteen clear days after the service by the other party of a notice in writing to make the appointment, such other party having appointed his arbitrator before giving the notice, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent;

Provided that the Court may set aside any appointment as sole arbitrator made under clause (*b*) and either, on sufficient cause being shown, allow further time to the defaulting party to appoint an arbitrator or pass such other order as it thinks fit.

Explanation.—The fact that an arbitrator or umpire, after a request by either party to enter on and proceed with the reference, does not within one month comply with the request may constitute a neglect or refusal to act within the meaning of section 8 and this section.

Provisions as to appointment of three or more arbitrators.

10. (1) Where an arbitration agreement provides that a reference shall be to three arbitrators, one to be appointed by each party and the third by the two appointed arbitrators, the agreement shall have effect as if it provided for the appointment of an umpire, and not for the appointment of a third arbitrator, by the two arbitrators appointed by the parties.

(2) Where an arbitration agreement provides that a reference shall be to three arbitrators to be appointed otherwise than as mentioned in sub-section (1), the award of the majority shall, unless the arbitration agreement otherwise provides, prevail.

(3) Where an arbitration agreement provides for the appointment of more arbitrators than three, the award of the majority, or if the arbitrators are equally divided in their opinions, the award of the umpire shall, unless the arbitration agreement otherwise provides, prevail.

Power to Court to remove arbitrators or umpire in certain circumstances.

11. (1) The Court may, on the application of any party to a reference, remove an arbitrator or umpire who fails to use all reasonable dispatch in entering on and proceeding with the reference and making an award.

(2) The Court may remove an arbitrator or umpire who has misconducted himself or the proceedings.

(3) Where an arbitrator or umpire is removed under this section, he shall not be entitled to receive any remuneration in respect of his services.

(4) For the purposes of this section the expression "proceeding with the reference" includes, in a case where reference to the umpire becomes necessary, giving notice of that fact to the parties and to the umpire.

Power of Court where arbitrator is removed or his authority revoked.

12. (1) Where the Court removes an umpire who has not entered on the reference or one or more arbitrators (not being all the arbitrators), the Court may, on the application of any party to the arbitration agreement, appoint persons to fill the vacancies.

(2) Where the authority of an arbitrator or arbitrators or an umpire is revoked by leave of the Court, or where the Court removes an umpire who has entered on the reference or a sole arbitrator or all the arbitrators, the Court may, on the application of any party to the arbitration agreement, either—

(*a*) appoint a person to act as sole arbitrator in the place of the person or persons displaced, or

(*b*) order that the arbitration agreement shall cease to have effect with respect to the difference referred.

(3) A person appointed under this section as an arbitrator or umpire shall have the like power to act in the reference and to make an award as if he had been appointed in accordance with the arbitration agreement.

Powers of arbitrator.

13. The arbitrators or umpire shall, unless a different intention is expressed in the agreement, have power to—

(*a*) administer oath to the parties and witnesses appearing;

(*b*) state a special case for the opinion of the Court on any question of law involved, or state the award, wholly or in part, in the form of a special cause of such question for the opinion of the Court;

(*c*) make the award conditional or in the alternative;

(*d*) correct in an award any clerical mistake or error arising from any accidental slip or omission;

(*e*) administer to any party to the arbitration such interrogatories as may, in the opinion of the arbitrators or umpire, be necessary.

Award to be signed and filed.

14. (1) When the arbitrators or umpire have made their award, they shall sign it and shall give notice in writing to the parties of the making and signing thereof and of the amount of fees and charges payable in respect of the arbitration and award.

(2) The arbitrators or umpire shall, at the request of any party to the arbitration agreement or any person claiming under such party or if so directed by Court and upon payment of the fees and charges due in respect of the arbitration and award and of the fees, costs and charges of filing the award, cause the award

or a signed copy of it, together with any depositions and documents which may have been taken and proved before them, to be filed in Court, and the Court shall thereupon give notice to the parties of the filing of the award.

(3) Where the arbitrators or umpire state a special case under clause (*b*) of section 13, the Court, after giving notice to the parties and hearing them, shall pronounce its opinion thereon and such opinion shall be added to, and shall form part of the award.

Power of Court to modify award.

15. The Court may by order modify or correct an award—

(*a*) where it appears that a part of the award is upon a matter not referred to arbitration and such part can be separated from the other part and does not affect the decision on the matter referred; or

(*b*) where the award is imperfect in form, or contains any obvious error which can be amended without affecting such decision; or

(*c*) where the award contains a clerical mistake or an error arising from an accidental slip or omission.

Power to remit award.

16. (1) The Court may from time to time remit the award or any matter referred to arbitration to the arbitrators or umpire for reconsideration upon such terms as it thinks fit—

(*a*) where the award has left undetermined any of the matters referred to arbitration, or where it determines any matter not referred to arbitration such matter cannot be separated without affecting the determination of the matters referred; or

(*b*) where the award is so indefinite as to be incapable of execution; or

(*c*) where an objection to the legality of the award is apparent upon the face of it.

(2) Where an award is remitted under sub-section (1) the Court shall fix the time within which the arbitrator or umpire shall submit his decision to the Court:

Provided that any time so fixed may be extended by subsequent order of the Court.

(3) An award remitted under sub-section (1) shall become void on the failure of the arbitrator or umpire to reconsider it and submit his decision within the time fixed.

Judgment in terms of award.

17. Where the Court sees no cause to remit the award or any of the matters referred to arbitration for reconsideration or to set aside the award, the Court shall, after the time for making an application to set aside the award has expired, or such application having been made, after refusing it, proceed to pronounce judgment according to the award, and upon the judgment so pronounced a decree shall follow, and no appeal shall lie from such decree except on the ground that it is in excess of, or not otherwise in accordance with, the award.

Power of Court to pass interim orders.

18. (1) Notwithstanding anything contained in section 17, at any time after the filing of the award, whether notice of the filing has been served or not, upon being satisfied by affidavit or

otherwise that a party has taken or is about to take steps to defeat, delay or obstruct the execution of any decree that may be passed upon the award, or that speedy execution of the award is just and necessary, the Court may pass such interim orders as it deems necessary.

(2) Any person against whom such interim orders have been passed may show cause against such orders, and the Court, after hearing the parties, may pass such further orders as it deems necessary and just.

Power to supersede arbitration when award becomes void or is set aside.

19. Where an award has become void under sub-section (3) of section 16 or has been set aside, the Court may by order supersede the reference and shall thereupon order that the arbitration agreement shall cease to have effect with respect to the difference referred.

CHAPTER III.

ARBITRATION WITH INTERVENTION OF A COURT WHERE THERE IS NO SUIT PENDING.

Application to file in Court arbitration agreement.

20. (1) Where any persons have entered into an arbitration agreement before the institution of any suit with respect to the subject-matter of the agreement or any part of it, and where a difference has arisen to which the agreement applies, they or any of them, instead of proceeding under Chapter II, may apply to a Court having jurisdiction in the matter to which the agreement relates that the agreement be filed in Court.

(2) The application shall be in writing and shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs and the remainder as defendant or defendants, if the application has been presented by all the parties, or, if otherwise, between the applicant as plaintiff and the other parties as defendants.

(3) On such application being made, the Court shall direct notice thereof to be given to all parties to the agreement other than the applicants, requiring them to show cause within the time specified in the notice why the agreement should not be filed.

(4) Where no sufficient cause is shown, the Court shall order the agreement to be filed, and shall make an order of reference to the arbitrator appointed by the parties, whether in the agreement or otherwise, or, where the parties cannot agree upon an arbitrator, to an arbitrator appointed by the Court.

(5) Thereafter the arbitration shall proceed in accordance with, and shall be governed by, the other provisions of this Act so far as they can be made applicable.

CHAPTER IV.

ARBITRATION IN SUITS.

21. Where in any suit all the parties interested agree that any matter in difference between them in the suit shall be referred to arbitration, they may at any time before judgment is pronounced apply in writing to the Court for an order of reference.

Parties to suit may apply for order of reference.

22. The arbitrator shall be appointed in such manner as may be agreed upon between the parties.

Appointment of arbitrator.

23. (1) The Court shall, by order, refer to the arbitrator the matter in difference which he is required to determine, and shall in the order specify such time as it thinks reasonable for the making of the award.

Order of reference.

(2) Where a matter is referred to arbitration, the Court shall not, save in the manner and to the extent provided in this Act, deal with such matter in the suit.

24. Where some only of the parties to a suit apply to have the matters in difference between them referred to arbitration in accordance with, and in the manner provided by, section 21, the Court may, if it thinks fit, so refer such matters to arbitration (provided that the same can be separated from the rest of the subject-matter of the suit) in the manner provided in that section, but the suit shall continue so far as it relates to the parties who have not joined in the said application and to matters not contained in the said reference as if no such application had been made, and an award made in pursuance of such a reference shall be binding only on the parties who have joined in the application.

Reference to arbitration by some of the parties.

25. The provisions of the other Chapters shall, so far as they can be made applicable, apply to arbitrations under this Chapter:

Provided that the Court may, in any of the circumstances mentioned in sections 8, 10, 11 and 12, instead of filling up the vacancies or making the appointments, make an order superseding the arbitration and proceed with the suit, and where the Court makes an order superseding the arbitration under section 19, it shall proceed with the suit.

Provisions applicable to arbitrations under this Chapter.

CHAPTER V.

GENERAL.

26. Save as otherwise provided in this Act, the provisions of this Chapter shall apply to all arbitrations.

Application of Chapter.

27. (1) Unless a different intention appears in the arbitration agreement, the arbitrators or umpire may, if they think fit, make an interim award.

Power of arbitrators to make an interim award.

(2) All references in this Act to an award shall include references to an interim award made under sub-section (1).

Power to Court only to enlarge time for making award.

28. (1) The Court may, if it thinks fit, whether the time for making the award has expired or not and whether the award has been made or not, enlarge from time to time the time for making the award.

(2) Any provision in an arbitration agreement whereby the arbitrators or umpire may, except with the consent of all the parties to the agreement, enlarge the time for making the award, shall be void and of no effect.

Interest on awards.

29. Where and in so far as an award is for the payment of money the Court may in the decree order interest, from the date of the decree at such rate as the Court deems reasonable, to be paid on the principal sum as adjudged by the award and confirmed by the decree.

Grounds for setting aside award.

30. An award shall not be set aside except on one or more of the following grounds, namely :—

(*a*) that an arbitrator or umpire has misconducted himself or the proceedings;

(*b*) that an award has been made after the issue of an order by the Court superseding the arbitration or after arbitration proceedings have become invalid under section 35;

(*c*) that an award has been improperly procured or is otherwise invalid.

Jurisdiction.

31. (1) Subject to the provisions of this Act, an award may be filed in any Court having jurisdiction in the matter to which the reference relates.

(2) Notwithstanding anything contained in any other law for the time being in force and save as otherwise provided in this Act, all questions regarding the validity, effect or existence of an award or an arbitration agreement between the parties to the agreement or persons claiming under them shall be decided by the Court in which the award under the agreement has been, or may be, filed and by no other Court.

(3) All applications regarding the conduct of arbitration proceedings or otherwise arising out of such proceedings shall be made to the Court where the award has been, or may be, filed, and to no other Court.

(4) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force, where in any reference any application under this Act has been made in a Court competent to entertain it, that Court alone shall have jurisdiction over the arbitration proceedings and all subsequent applications arising out of that reference and the arbitration proceedings shall be made in that Court and in no other Court.

Bar to suits contesting arbitration agreement or award.

32. Notwithstanding any law for the time being in force, no suit shall lie on any ground whatsoever for a decision upon the existence, effect or validity of an arbitration agreement or award, nor shall any arbitration agreement or award be set aside, amended, modified or in any way affected otherwise than as provided in this Act.

33. Any party to an arbitration agreement or any person claiming under him desiring to challenge the existence or validity of an arbitration agreement or an award or to have the effect either determined shall apply to the Court and the Court shall decide the question on affidavits:

Arbitration agreement or award to be contested by application.

Provided that where the Court deems it just and expedient, it may set down the application for hearing on other evidence also, and it may pass such orders for discovery and particulars as it may do in a suit.

34. Where any party to an arbitration agreement or any person claiming under him commences any legal proceedings against any other party to the agreement or any person claiming under him in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time before filing a written statement or taking any other steps in the proceedings, apply to the judicial authority before which the proceedings are pending to stay the proceedings; and if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the arbitration agreement and that the applicant was at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, such authority may make an order staying the proceedings.

Power to stay legal proceedings where there is an arbitration agreement.

35. (1) No reference nor award shall be rendered invalid by reason only of the commencement of legal proceedings upon the subject-matter of the reference but when legal proceedings upon the whole of the subject-matter of the reference have been commenced between all the parties to the reference and a notice thereof has been given to the arbitrators or umpire, all further proceedings in a pending reference shall, unless a stay of proceedings is granted under section 34, be invalid.

Effect of legal proceedings on arbitration.

(2) In this section the expression "parties to the reference" includes any persons claiming under any of the parties and litigating under the same title.

36. Where it is provided (whether in the arbitration agreement or otherwise) that an award under an arbitration agreement shall be a condition precedent to the bringing of an action with respect to any matter to which the agreement applies, the Court, if it orders (whether under this Act or any other law) that the agreement shall cease to have effect as regards any particular difference, may further order that the said provision shall also cease to have effect as regards that difference.

Power of Court where arbitration agreement is ordered not to apply to a particular difference, to order that a provision making an award a condition precedent to an action shall not apply to such difference.

37. (1) All the provisions of the Mysore Limitation Act, 1911, shall apply to arbitrations as they apply to proceedings in Court.

Limitation.

(2) Notwithstanding any term in an arbitration agreement to the effect that no cause of action shall accrue in respect of any matter required by the agreement to be referred until an award is made under the agreement, a cause of action shall, for the purpose of limitation, be deemed to have accrued in respect of any such matter at the time when it would have accrued but for that term in the agreement.

(3) For the purposes of this section and of the Mysore Limitation Act, 1911, an arbitration shall be deemed to be commenced when one party to the arbitration agreement serves on the other parties thereto a notice requiring the appointment of an arbitrator, or where the arbitration agreement provides that the reference shall be to a person named or designated in the agreement, requiring that the difference be submitted to the person so named or designated.

(4) Where the terms of an agreement to refer future differences to arbitration provide that any claims to which the agreement applies shall be barred unless notice to appoint an arbitrator is given or an arbitrator is appointed or some other step to commence arbitration proceedings is taken within a time fixed by the agreement, and a difference arises to which the agreement applies, the Court if it is of opinion that in the circumstances of the case undue hardship would otherwise be caused, and notwithstanding that the time so fixed has expired, may on such terms, if any, as the justice of the case may require, extend the time for such period as it thinks proper.

(5) Where the Court orders that an award be set aside or orders, after the commencement of an arbitration, that the arbitration agreement shall cease to have effect with respect to the difference referred, the period between the commencement of the arbitration and the date of the order of the Court shall be excluded in computing the time prescribed by the Mysore Limitation Act, 1911, for the commencement of the proceedings (including arbitration) with respect to the difference referred.

Disputes as to arbitrator's remuneration or costs.

38. (1) If in any case an arbitrator or umpire refuses to deliver his award except on payment of the fees demanded by him, the Court may, on an application in this behalf, order that the arbitrator or umpire shall deliver the award to the applicant on payment into Court by the applicant of the fees demanded, and shall, after such inquiry, if any, as it thinks fit, further order that out of the money so paid into Court there shall be paid to the arbitrator or umpire by way of fees such sum as the Court may consider reasonable and that the balance of the money, if any, shall be refunded to the applicant.

(2) An application under sub-section (1) may be made by any party to the reference unless the fees demanded have been fixed by written agreement between him and the arbitrator or umpire, and the arbitrator or umpire shall be entitled to appear and be heard on any such application.

(3) The Court may make such orders as it thinks fit respecting the costs of an arbitration where any question arises respecting such costs and the award contains no sufficient provision concerning them.

CHAPTER VI.

APPEALS.

Appealable orders.

39. (1) An appeal shall lie from the following orders passed under this Act (and from no others) to the Court authorised by law to hear appeals from original decrees of the Court passing the order:

An order—

(i) superseding an arbitration;
(ii) on an award stated in the form of a special case;
(iii) modifying or correcting an award;
(iv) filing or refusing to file an arbitration agreement;
(v) staying or refusing to stay legal proceedings where there is an arbitration agreement;
(vi) setting aside or refusing to set aside an award;

Provided that the provisions of this section shall not apply to any order passed by a Small Cause Court.

(2) No second appeal shall lie from an order passed in appeal under this section.

CHAPTER VII.

MISCELLANEOUS.

Small Cause Court not to have jurisdiction over arbitrations save arbitrations in suits before it.

40. A Small Cause Court shall have no jurisdiction over any arbitration proceedings or over any application arising thereout save on application made under section 21.

Procedure and powers of Court.

41. Subject to the provisions of this Act and of rules made thereunder—

(*a*) the provisions of the Code of Civil Procedure, 1911, shall apply to all proceedings, before the Court, and to all appeals, under this Act, and

(*b*) the Court shall have, for the purpose of, and in relation to arbitration proceedings, the same power of making orders in respect of any of the matters set out in the Second Schedule as it has for the purpose of, and in relation to, any proceedings before the Court:

Provided that nothing in clause (*b*) shall be taken to prejudice any power which may be vested in an arbitrator or umpire for making orders with respect to any of such matters.

Service of notice by party or arbitrator.

42. Any notice required by this Act to be served otherwise than through the Court by a party to an arbitration agreement or by an arbitrator or umpire shall be served in the manner provided in the arbitration agreement, or if there is no such provision, either—

(a) by delivering it to the person on whom it is to be served, or

(b) by sending it by post in a letter addressed to that person at his usual or last known place of abode or business in Mysore and registered under Chapter VI of the Indian Post Office Act, 1898.

Power of Court to issue processes for appearance before arbitrator.

43. (1) The Court shall issue the same processes to the parties and witnesses whom the arbitrator or umpire desires to examine as the Court may issue in suits tried before it.

(2) Persons failing to attend in accordance with such process, or making any other default, or refusing to give their evidence, or guilty of any contempt to the arbitrator or umpire during the investigation of the reference, shall be subject to the like disadvantages, penalties and punishments by order of the Court on the representation of the arbitrator or umpire as they would incur for the like offences in suits tried before the Court.

(3) In this section the expression "processes" includes summonses and commissions for the examination of witnesses and summonses to produce documents.

Power to High Court to make rules.

44. The High Court may make rules consistent with this Act as to—

(a) the filing of awards and all proceedings consequent thereon or incidental thereto;

(b) the filing and hearing of special cases and all proceedings consequent thereon or incidental thereto;

(c) the staying of any suit or proceeding in contravention of an arbitration agreement;

(d) the forms to be used for the purposes of this Act;

(e) generally, all proceedings in Court under this Act.

Government to be bound

45. The provisions of this Act shall be binding on the Government.

Application of Act to statutory arbitrations.

46. The provisions of this Act, except sub-section (1) of section 6 and sections 7, 12, 36 and 37, shall apply to every arbitration under any other enactment for the time being in force, as if the arbitration were pursuant to an arbitration agreement and as if that other enactment were an arbitration agreement, except in so far as this Act is inconsistent with that other enactment or with any rules made thereunder.

Act to apply to all arbitrations.

47. Subject to the provisions of section 46, and save in so far as is otherwise provided by any law for the time being in force, the provisions of this Act shall apply to all arbitrations and to all proceedings thereunder:

Provided that an arbitration award otherwise obtained may with the consent of all the parties interested be taken into

consideration as a compromise or adjustment of a suit by any Court before which the suit is pending.

48. The provisions of this Act shall not apply to any reference pending at the commencement of this Act, to which the law in force immediately before the commencement of this Act shall, notwithstanding any repeal effected by this Act, continue to apply. Saving for pending references.

49. (1) The enactments specified in the Third Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeals and amendments.

(2) The enactments specified in the Fourth Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE FIRST SCHEDULE.

(See Section 3).

Implied Conditions of Arbitration Agreements.

1. Unless otherwise expressly provided, the reference shall be to a sole arbitrator.

2. If the reference is to an even number of arbitrators, the arbitrators shall appoint an umpire not later than one month from the latest date of their respective appointments.

3. The arbitrators shall make their award within four months after entering on the reference or after having been called upon to act by notice in writing from any party to the arbitration agreement or within such extended time as the Court may allow.

4. If the arbitrators have allowed their time to expire without making an award or have delivered to any party to the arbitration agreement or to the umpire a notice in writing stating that they cannot agree, the umpire shall forthwith enter on the reference in lieu of the arbitrators.

5. The umpire shall make his award within two months of entering on the reference or within such extended time as the Court may allow.

6. The parties to the reference and all persons claiming under them shall, subject to the provisions of any law for the time being in force, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in difference and shall, subject as aforesaid, produce before the arbitrators or umpire all books, deeds, papers, accounts, writings and documents, within their possession or power respectively, which may be required or called for, and do all other things which, during the proceedings on the reference, the arbitrators or umpire may require.

7. The award shall be final and binding on the parties and persons claiming under them respectively.

8. The costs of the reference and award shall be in the discretion of the arbitrators or umpire who may direct to, and by whom, and in what manner, such costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof and may award costs to be paid as between legal practitioner and client.

THE SECOND SCHEDULE.

(See Section 41).

Powers of Court.

1. The preservation, interim custody or sale of any goods which are the subject-matter of the reference.

2. Securing amount in difference in the reference.

3. The detention, preservation or inspection of any property or thing which is the subject of the reference or as to which any question may arise therein and authorising for any of the aforesaid purposes any person to enter upon or into any land or building in the possession

of any party to the reference, or authorising any samples to be taken, or any observation to be made, or experiment to be tried, which may be necessary or expedient for the purpose of obtaining full information or evidence.

4. Interim injunctions or the appointment of a receiver.

5. The appointment of a guardian for a minor or person of unsound mind for the purposes of arbitration proceedings.

THE THIRD SCHEDULE.

[*See Section 49 (1)*].

Enactments Repealed.

Year	No.	Short title	Extent of repeal
1917 ...	I.	The Mysore Arbitration Act, 1917.	The whole.
1911 ...	III.	The Code of Civil Procedure, 1911.	Section 89, clauses (a) to (f) (both inclusive) of sub-section (1) of section 104 and the Second Schedule.
1940 ...	X.	The Arbitration Act, 1940, as applied to the Retroceded Area by the Retroceded Area (Application of Laws) Act, 1948.	The whole.

THE FOURTH SCHEDULE.

[*See Section 49 (2)*].

Enactments Amended.

Year	No.	Short title	Amendments
1877 ...	I.	The Specific Relief Act, 1877.	In section 21— (i) for the words and figures "Code of Civil Procedure" the words and figures "Mysore Arbitration Act, 194 " shall be substituted. (ii) after the words "but if any person who has made such a contract" the words "other than an arbitration agreement to which the provisions of the said Act apply" shall be inserted.

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Year	No.	Short title	Amendments
1911 ..	IV.	The Mysore Limitation Act, 1911.	In the First Schedule— (i) for Article 156 the following shall be substituted, namely :— "156. Under the Mysore Arbitration Act, 194 , to set aside an award or to get an award remitted for reconsideration." — Thirty days. — The date of service of the notice of filing of the award." (ii) in article 159 for the words "same Code" in the first column the words and figure "Code of Civil Procedure, 1911" shall be substituted. (iii) for Article 178 the following shall be substituted, namely :— "178. Under the Mysore Arbitration Act, 194 for the filing in Court of an award. — Ninety days. — The date of service of the notice of the making of the award."
1938 ...	XVIII.	The Mysore Companies Act, 1938.	In section 152— (i) for the figure "1917" in both places where it occurs, the figure "194 " shall be substituted. (ii) in sub-section (3) the words "other than those restricting the application of the Act in respect of the subject-matter of the arbitration" shall be omitted.
1944 ...	XXXVI	The Mysore Electricity Act, 1944.	In section 37, for the figure "1917" the figure "194 " shall be substituted.

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Statement of Objects and Reasons.

The Law of Arbitration in Mysore is at present substantially contained in two enactments, *viz.*, the Mysore Arbitration Act, (I of 1917), which is based on the Indian Arbitration Act, 1899, and the second schedule to the Code of Civil Procedure, (III of 1911), which is based on the corresponding Indian Code of Civil Procedure, 1908. The operation of the 1917 Act is limited to such areas as it may be extended by Government in that behalf, and its scope is also confined to "Arbitration by agreement without the intervention of a Court of Justice." The second schedule to the Code of Civil Procedure deals with arbitrations outside the operation and scope of the 1917 Act. It relates for the most part to arbitration in suits though arbitration without intervention of a court is also briefly provided for. This schedule also contains an alternative method whereby the parties to a dispute or any of them may file their arbitration agreement before a court which after certain procedure refers the matter to an arbitrator.

The question of amending and consolidating the Law of Arbitration in India is not new. The Civil Justice Committee in 1925 recommended several changes in the Arbitration Law. The Central Act of 1899 was based largely on the then English Law to which several substantial amendments have been effected by an amending Act of Parliament in 1934. In 1938, the Central Government placed an officer on special duty to examine the question, and a Bill, which was the outcome of this examination, was passed into law as the Arbitration Act (X of 1940).

It is considered desirable to bring the law in Mysore on a level with that in India, and this Bill which closely follows the Indian Arbitration Act, 1940, has accordingly been brought forward.

Detailed explanations of the several clauses of the Bill are contained in the following notes on clauses.

Notes on Clauses.

Clauses 3, 4 and 5 reproduce with minor alterations the provisions of sections 6, 7 and 5 respectively of the 1917 Act, and deal with the terms of arbitration agreements.

Clauses 6 and 7 follow closely sections 1 and 2 of the Arbitration Act, 1934, (24 and 25 Geo. 5, C. 14): their purpose is to standardise the law as to the effect on an arbitration agreement and proceedings on the death or insolvency of a party thereto.

Clause 8 dealing with the Court's power to appoint an arbitrator in certain cases, reproduces with some verbal changes section 8 of the 1917 Act.

Clause 9 amends section 9 of the 1917 Act in the following directions: provision is made to suit mofussil conditions by making it clear that the defaulting party's time for appointing an arbitrator runs only from the receipt of notice, and the proviso is elaborated (*a*) to make it clear that it is only in the arbitrator's capacity as sole arbitrator (and not as the arbitrator of the party appointing him) that the Court may set aside the appointment, and (*b*) to permit the Court, on sufficient cause being shown, to allow further time to the defaulting party, or in any event to make such alternative order as it thinks fit.

Clause 10 makes provision for cases in which more than two arbitrators are appointed. The first two sub-clauses follow closely section 4 of the 1934 Act of Parliament.

Clause 11 empowers the Court to remove a dilatory arbitrator or umpire or one who misconducts himself or the proceedings. Section 16 of the 1917 Act and sections 6 and 15 of the 1934 Act of Parliament have been drawn on.

Clause 12, which follows section 3 of the 1934 Act of Parliament, makes provisions for the consequences of the removal of arbitrators (see also clause 36).

Clause 13 sets out the powers of arbitrators; it is based to some extent on section 10 of the 1917 Act and on paragraph 11 of the second schedule to the Code of Civil Procedure, 1911.

Clause 14 relating to the procedure in filling an award, reproduces section 11 of the 1917 Act with two small changes in sub-clause (2): the provision of paragraph 10 of the second schedule to the Code, requiring that depositions and documents shall accompany the award, is included, and the notice of filing is to be issued by Court and not by the arbitrator as in the 1917 Act.

Clause 15 dealing with the Court's powers to remit an award reproduces without change paragraph 12 of the second schedule to the Code.

Clause 16 deals with the Court's powers to remit an award for reconsideration. Sub-clause (1) repeats without change paragraph 14 of the second schedule to the Code, and the remaining sub-clauses reproduce the substance of the first sentence of paragraph 15(1) *ibid.*

Clause 17 follows with minor alterations paragraph 16 of the second schedule to the Code. Herein lies one of the substantial points of difference in the existing law: under the Code, judgment is entered in accordance with the award and a decree follows. Under the 1917 Act (following the then English law) an award is executable as a decree but is not a decree for all purposes. The 1934 Act of Parliament has changed the English law in this respect, and by this clause it is proposed to standardise the law in the direction of providing that judgment

shall be pronounced in the terms of the award and that a decree shall follow.

Clause 18. In following the Civil Procedure Code, clause 17 seeks to amend the existing law under the 1917 Act in another manner. At present under that Act an award is immediately enforceable as a decree. This position is at variance both with the Code and with the English law, and it is now proposed to make the decree only after the time for challenging the award has expired or when such a challenge if made has been rejected. This clause, taken from the English rules of Court, is a corollary to clause 17 in the sense that it enables the Court to counter in the interval any action designed to defeat the subsequent execution of the decree.

Clause 19 provides that where an award becomes void or is set aside, the Court may supersede the reference and order that the agreement shall cease to have effect with respect to the particular difference referred. The clause generalises the provisions of paragraph 15(2) of the second schedule to the Code.

Clause 20 is based upon paragraph 17 of the second schedule to the Code. It allows the parties to an arbitration agreement or any of them to initiate the reference proceedings with the assistance of the Court.

Clauses 21 to 23 reproduce substantially paragraphs 1 to 3 of the second schedule of the Code. They set out the initial steps to be taken for arbitration in a suit.

Clause 24 is a new provision. It is possible that some parties only to a suit may be agreeable to having the differences between them settled by arbitration. This clause will permit this to be done provided that those differences can be separated from the rest of the subject-matter of the suit.

Clause 25 applies with necessary modification certain other provisions of the Bill to arbitrations in suits.

Clause 27 is a new provision, based on the 1934 Act of Parliament, and conferring on arbitrators the power to make an interim award.

Clause 28.—Under the 1917 Act the arbitrators or umpire can themselves enlarge their time for making an award, though it seems that they must do so before the time actually expires. Under the Code it is the Court which has this power. The clause proposes that the power should in all cases vest in the Court only, who may extend the time whether the time has expired or not or whether the award has actually been made or not.

Clause 29 makes necessary provision as to interest.

Clause 30 follows paragraph 15 of the second schedule to the Code in setting out the grounds on which an award may be set aside.

Clause 31 deals with jurisdiction. It provides that all the matters relating to a single reference shall be before the same

Court, and that where there is a choice of forum, it shall be determined by the first application made to a Court in relation to a reference.

Clauses 32 and 33 provide that an arbitration agreement or award shall be contested only by application and not by suit. This proposal was made by the Civil Justice Committee and is in consonance with the general principle that the law of arbitration should provide simple, speedy and cheap settlement of differences.

Clause 34 deals with the staying of a suit where a reference concerning the subject-matter of the suit and between the same parties is pending. It continues the existing law contained in section 19 of the 1917 Act and paragraph 18 of the second schedule to the Code.

Clause 35 relates to the effect of subsequent legal proceedings on a pending reference. Such proceedings will not affect the reference unless (*a*) they relate to the whole of the referred matter and (*b*) all the parties to the reference are impleaded in the proceedings. Where these conditions are fulfilled, the legal proceedings will nullify the arbitration proceedings unless stay of legal proceedings is granted under clause 34.

Clause 36 is based on section 3(4) of the 1934 Act of Parliament, and supplies an omission in the present Indian Law. An agreement may contain a clause that no legal proceedings shall be taken on a certain matter unless the matter has first been made the subject-matter of an award. It is necessary to empower the Court to overrule this provision when the award is set aside or otherwise becomes void.

Clause 37 makes provision as to limitation in arbitration matters and follows closely section 16 of the 1934 Act of Parliament.

Clause 38 deals with disputes as to the arbitrator's fees and costs, and follows generally section 13 of the 1934 Act of Parliament and paragraph 13 of the second schedule to the Code. The Court may require the arbitrator to deliver up the award on the deposit into Court of the amount he claims, and may then investigate the claim and grant to the arbitrator such sum as fees as it thinks reasonable.

Clause 39 deals with appeals and replaces that part of section 104(1) of the Code of Civil Procedure, 1911, which this Bill seeks to repeal.

Clause 40 has the effect of providing that Small Cause Courts shall not deal with arbitrations other than arbitrations in suits before it.

Clause 41 and the second schedule deal with procedure. The clause confers generally the same powers as the Court enjoys under the Code Civil Procedure and with the schedule adds certain special powers in relation to arbitrations on the line of section 8(1) of the 1934 Act of Parliament.

Clause 42 makes provision for the service of notices under the Bill between parties or between arbitrator and parties.

Clause 43 follows paragraph 7 of the second schedule to the Code in requiring the Court to assist the arbitrator to enforce the production of evidence and empowering the Court to punish default or contempt before the arbitrators as if it were committed before the Court.

Clause 44 reproduces with small changes section 20 of the 1917 Act and empowers the High Court to make rules.

Clause 45 repeats section 22 of the 1917 Act and binds the Government.

Clause 46 applies with certain exceptions the provisions of the Bill to statutory arbitrations, and is based on section 20 of the 1934 Act of Parliament.

Clause 47 applies, subject to clause 46, the Bill to all arbitrations. The clause replaces section 89 of the Code of Civil Procedure, 1911, which this Bill repeals.

Clause 48 saves references pending at the commencement of this enactment: such references will continue to be governed by the existing law.

The First Schedule follows the First Schedule to the 1917 Act. The main differences are (*a*) arbitrators are required to appoint an umpire within a month of their own appointment, (*b*) the power to enlarge the time for making the award is transferred to the Court (cf. clause 28), and (*c*) item VII is omitted as redundant in view of clause 13(*a*).

The Third Schedule with clause 49(1) repeals the existing general arbitration law.

The Fourth Schedule makes certain consequential amendments of which those to the Limitation Act are the most important.

NOTIFICATION.

No. R. L. 1628-57, dated, Bangalore, 10th December 1943.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Trusts Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,

Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE TRUSTS BILL.

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THE MYSORE TRUSTS BILL.

A Bill to define and amend the law relating to Private Trusts and Trustees.

WHEREAS it is expedient to define and amend the law relating to private trusts and trustees; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Trusts Act, 194 . Short title, and commencement.

(2) It shall come into force at once.

It extends to the whole of Mysore. But nothing herein contained affects the rules of the Muhammadan law as to *waqf*, or the mutual relations of the members of an undivided family as determined by any customary or personal law, or applies to public or private religious or charitable endowments, and nothing in the second Chapter of this Act applies to trusts created before the commencement of this Act. Local extent and savings.

2. The Act mentioned in the Schedule hereto annexed shall, to the extent mentioned in the said Schedule, be repealed. Repeal of enactments

3. A "trust" is an obligation annexed to the ownership of property, and arising out of a confidence reposed in and accepted by the owner, or declared and accepted by him, for the benefit of another, or of another and the owner: Interpretation "trust"

the person who reposes or declares the confidence is called the "author of the trust": the person who accepts the confidence is called the "trustee": the person for whose benefit the confidence is accepted is called the "beneficiary": the subject-matter of the trust is called "trust-property" or "trust money": the "beneficial interest" or "interest" of the beneficiary is his right against the trustee as owner of the trust-property; and the instrument, if any, by which the trust is declared is called the "instrument of trust": "Author of the trust". "trustee". "beneficiary" "trust-property" "beneficial-interest". "instrument of trust".

a breach of any duty imposed on a trustee, as such, by any law for the time being in force, is called a "breach of trust": "breach of trust".

and in this Act, unless there be something repugnant in the subject or context, "registered" means registered under the law for the registration of documents for the time being in force; a person is said to have "notice" of a fact either when he actually knows that fact, or when but for wilful abstension from inquiry or gross negligence, he would have known it, or when information of the fact is given to or obtained by, his agent, under the 'registered'. "notice".

Expressions defined in Act IX of 1872.

circumstances mentioned in section 229 of the Indian Contract Act, 1872, as in force in Mysore; and all expressions used herein and defined in the Indian Contract Act, 1872, as in force in Mysore shall be deemed to have the meanings respectively attributed to them by that Act.

CHAPTER II.

Of the Creation of Trusts.

Lawful purpose

4. A trust may be created for any lawful purpose. The purpose of a trust is lawful unless it is (*a*) forbidden by law, or (*b*) is of such a nature that, if permitted, it would defeat the provisions of any law, or (*c*) is fraudulent, or (*d*) involves or implies injury to the person or property of another, or (*e*) the Court regards it as immoral or opposed to public policy.

Every trust of which the purpose is unlawful is void. And where a trust is created for two purposes, of which one is lawful and the other unlawful, and the two purposes cannot be separated, the whole trust is void.

Explanation.—In this section the expression "law" includes, where the trust-property is immoveable and situate in a foreign country, the law of such country.

Illustrations.

(*a*) A conveys property to B in trust to apply the profits to the nurture of female foundlings to be trained up as prostitutes. The trust is void.

(*b*) A bequeaths property to B in trust to employ it in carrying on a smuggling business, and out of the profits thereof to support A's children. The trust is void.

(*c*) A, while in insolvent circumstances, transfers property to B in trust for A during his life, and after his death for B. A is declared an insolvent. The trust for A is invalid as against his creditors.

Trust of immoveable property.

5. No trust in relation to immoveable property is valid unless declared by a non-testamentary instrument in writing signed by the author of the trust or the trustee and registered, or by the will of the author of the trust or of the trustee.

Trust of moveable property.

No trust in relation to moveable property is valid unless declared as aforesaid, or unless the ownership of the property is transferred to the trustee.

These rules do not apply where they would operate so as to effectuate a fraud.

Creation of Trust.

6. Subject to the provisions of section 5, a trust is created when the author of the trust indicates with reasonable certainty by any words or acts (*a*) an intention on his part to create thereby a trust, (*b*) the purpose of the trust, and (*c*) the beneficiary, and (*d*) the trust-property, and (unless the trust is declared by will or the author of the trust is himself to be the trustee) transfers the trust property to the trustee.

Illustrations.

(*a*) A bequeaths certain property to B, "having the fullest confidence that he will dispose of it for the benefit of C". This creates a trust so far as regards A and C.

(*b*) A bequeaths certain property to B, "hoping he will continue it in the family". This does not create a trust, as the beneficiary is not indicated with reasonable certainty.

(*c*) A bequeaths certain property to B, requesting him to distribute it among such members of C's family as B should think most deserving. This does not create a trust, for the beneficiaries are not indicated with reasonable certainty.

(*d*) A bequeaths certain property to B, desiring him to divide the bulk of it among C's children. This does not create a trust, for the trust-property is not indicated with sufficient certainty.

(*e*) A bequeaths a shop and stock-in-trade to B, on condition that he pays A's debts and a legacy to C. This is a condition, not a trust for A's creditors and C.

Who may create trusts.

7. A trust may be created—

(*a*) by every person competent to contract, and,

(*b*) with the permission of a principal Civil Court of original jurisdiction, by or on behalf of a minor;

but subject in each case to the law for the time being in force as to the circumstances and extent in and to which the author of the trust may dispose of the trust-property.

Subject of trust.

8. The subject-matter of a trust must be property transferable to the beneficiary.

It must not be merely beneficial interest under a subsisting trust.

Who may be beneficiary.

9. Every person capable of holding property may be a beneficiary.

Disclaimer by beneficiary.

A proposed beneficiary may renounce his interest under the trust by disclaimer addressed to the trustee, or by setting up, with notice of the trust, a claim inconsistent therewith.

Who may be trustee.

10. Every person capable of holding property may be a trustee; but, where the trust involves the exercise of discretion, he cannot execute it unless he is competent to contract.

No one bound to accept trust.

No one is bound to accept a trust.

Acceptance of trust.

A trust is accepted by any words or acts of the trustee indicating with reasonable certainty such acceptance.

Disclaimer of trust.

Instead of accepting a trust, the intended trustee may, within a reasonable period, disclaim it, and such disclaimer shall prevent the trust-property from vesting in him.

A disclaimer by one of two or more co-trustees vests the trust-property in the other or others, and makes him or them sole trustee or trustees from the date of the creation of the trust.

Illustrations.

(*a*) A bequeaths certain property to B and C, his executors, as trustees for D. B and C prove A's will. This is in itself an acceptance of the trust, and B and C hold the property in trust for D.

(*b*) A transfers certain property to B in trust to sell it and to pay out of the proceeds A's debts. B accepts the trust and sells the property. So far as regards B, a trust of the proceeds is created for A's creditors.

(*c*) A bequeaths a lakh of rupees to B upon certain trusts and appoints him his executor. B severs the lakh from the general assets and appropriates it to the specific purpose. This is an acceptance of the trust.

CHAPTER III.

OF THE DUTIES AND LIABILITIES OF TRUSTEES.

Trustee to execute trust.

11. The trustee is bound to fulfil the purpose of the trust, and to obey the directions of the author of the trust given at the time of its creation, except as modified by the consent of all the beneficiaries being competent to contract.

Where the beneficiary is incompetent to contract, his consent may, for the purposes of this section, be given by a principal Civil Court of original jurisidiction.

Nothing in this section shall be deemed to require a trustee to obey any direction when to do so would be impracticable, illegal or manifestly injurious to the beneficiaries.

Explanation:—Unless a contrary intention be expressed, the purpose of a trust for the payment of debts shall be deemed to be (*a*) to pay only the debts of the author of the trust existing and recoverable at the date of the instrument of trust, or, when such instrument is a will, at the date of his death, and (*b*) in the case of debts not bearing interest, to make such payment without interest.

Illustrations.

(*a*) A, a trustee, is simply authorized to sell certain land by public auction. He cannot sell the land by private contract.

(*b*) A, a trustee of certain land for X, Y and Z, is authorised to sell the land to B for a specified sum. X, Y and Z, being competent to contract, consent that A may sell the land to C for a less sum. A may sell the land accordingly.

(*c*) A, a trustee for B and her children, is directed by the author of the trust to lend, on B's request, trust-property to B's husband, C, on the security of his bond. C becomes insolvent and B requests A to make the loan. A may refuse to make it.

Trustee to inform himself of state of trust-property

12. A trustee is bound to acquaint himself, as soon as possible, with the nature and circumstances of the trust-property; to obtain, where necessary, a transfer of the trust-property to himself; and subject to the provisions of the instrument of trust to get in trust-moneys invested on insufficient or hazardous security.

Illustrations.

(*a*) The trust-property is a debt outstanding on personal security. The instrument of trust gives the trustee no discretionary power to leave the debt so outstanding. The trustee's duty is to recover the debt without unnecessary delay.

(*b*) The trust-property is money in the hands of one of two co-trustees. No discretionary power is given by the instrument of trust. The other co-trustee must not allow the former to retain the money for a longer period than the circumstances of the case required.

Trustee to protect title to trust-property.

13. A trustee is bound to maintain and defend all such suits, and (subject to the provisions of the instrument of trust) to take such other steps, as regard being had to the nature and amount or value of the trust-property, may be reasonably requisite for the preservation of the trust-property and the assertion or protection of the title thereto.

Illustration.

The trust-property is immoveable property which has been given to the author of the trust by an unregistered instrument. Subject to the provisions of the Mysore Registration Act, 1903, the trustee's duty is to cause the instrument to be registered.

Trustee not to set up title adverse to beneficiary.

14. The trustee must not for himself or another set up or aid any title to the trust-property adverse to the interest of the beneficiary.

Care required from trustee.

15. A trustee is bound to deal with the trust property as carefully as a man of ordinary prudence would deal with such property if it were his own; and, in the absence of a contract to the contrary, a trustee so dealing is not responsible for the loss, destruction or deterioration of the trust-property.

Illustrations.

(*a*) A, living in Calcutta, is a trustee for B, living in Bombay. A remits trust-funds to B by bills drawn by a person of undoubted credit in favour of the trustee as such, and payable at Bombay. The bills are dishonoured. A is not bound to make good the loss.

(*b*) A, a trustee of leasehold property, directs the tenant to pay the rents on account of the trust to a banker, B, then in credit. The rents are accordingly paid to B, and A leaves the money with B only till wanted. Before the money is drawn out, B becomes insolvent. A, having had no reason to believe that B was in insolvent circumstances, is not bound to make good the loss

(*c*) A, a trustee of two debts for B, releases one and compounds the other, in good faith, and reasonably believing that it is for B's interest to do so. A is not bound to make good any loss caused thereby to D.

(*d*) A, a trustee directed to sell the trust-property by auction, sells the same, but does not advertise the sale and otherwise fails in reasonable diligence in inviting competition. A is bound to make good the loss caused thereby to the beneficiary.

(*e*) A, a trustee for B, in execution of his trust, sells the trust-property, but from want of due diligence on his part fails to receive

part of the purchase-money. A is bound to make good the loss thereby caused to B.

(*f*) A, a trustee for B of a policy of insurance, has funds in hand for payment of the premiums. A neglects to pay the premiums, and the policy is consequently forfeited. A is bound to make good the loss to B.

(*g*) A bequeaths certain moneys to B and C as trustees, and authorises them to continue trust moneys upon the personal security of a certain firm in which A had himself invested them. A dies, and a change takes place in the firm. B and C must not permit the moneys to remain upon the personal security of the new firm.

(*h*) A, a trustee for B, allows the trust to be executed solely by his co-trustee, C. C misapplies the trust-property. A is personally answerable for the loss resulting to B.

Conversion of perishable property.

16. Where the trust is created for the benefit of several persons in succession, and the trust-property is of a wasting nature or a future or reversionary interest, the trustee is bound, unless an intention to the contrary may be inferred from the instrument of trust, to convert the property into property of a permanent and immediately profitable character.

Illustrations.

(*a*) A bequeaths to B all his property in trust for C during his life, and on his death for D, and on D's death for E. A's property consists of three leasehold houses, and there is nothing in A's will to show that he intended the houses to be enjoyed in specie. B should sell the houses, and invest the proceeds in accordance with section 20.

(*b*) A bequeaths to B his three leasehold houses in Calcutta and all the furniture therein in trust for C during his life, and on his death for D, and on D's death for E. Here an intention that the houses and furniture should be enjoyed in specie appears clearly, and B should not sell them.

Trustee to be impartial.

17. Where there are more beneficiaries than one, the trustee is bound to be impartial and must not execute the trust for the advantage of one at the expense of another.

Where the trustee has a discretionary power, nothing in this section shall be deemed to authorise the Court to control the exercise reasonably and in good faith of such discretion.

Illustration.

A, a trustee, for B, C and D, is empowered to choose between several specified modes of investing the trust-property. A in good faith chooses one of these modes. The Court will not interfere, although the result of the choice may be to vary the relative rights of B, C and D.

Trustee to prevent waste.

18. Where the trust is created for the benefit of several persons in succession and one of them is in possession of the trust-property, if he commits, or threatens to commit, any act which is destructive or permanently injurious thereto, the trustee is bound to take measures to prevent such act.

19. A trustee is bound (a) to keep clear and accurate accounts of the trust-property, and (b) at all reasonable times, at the request of the beneficiary, to furnish him with full and accurate information as to the amount and state of the trust-property. Accounts and information.

20. Where the trust-property consists of money and cannot be applied immediately or at an early date to the purposes of the trust, the trustee is bound (subject to any direction contained in the instrument of trust) to invest the money on the following securities, and on no others :— Investment of trust money.

(a) in promissory notes, debentures, stock or other securities of the Government or of any Provincial Government or of the Central Government.

Provided that securities, both the principal whereof and the interest whereon shall have been fully and unconditionally guaranteed by any such Government, shall be deemed, for the purposes of this clause, to be securities of such Government;

(b) in stock or debentures of shares in Railway or other Companies the interest whereon shall have been guaranteed by the Government;

(c) in debentures or other securities for money issued by or on behalf of any municipal body, or city improvement trust;

(d) on a first mortgage of immoveable property situate in Mysore:

Provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-third, or, if consisting of buildings, exceeds by one-half, the mortgage-money; or

(e) on any other security expressly authorised by the instrument of trust, or by any rule which the High Court may from time to time prescribe in this behalf:

Provided that, where there is a person competent to contract and entitled in possession to receive the income of the trust-property for his life, or for any greater estate, no investment on any security mentioned or referred to in clauses (c), (d) and (e) shall be made without his consent in writing.

21. (1) A trustee may invest in any of the securities mentioned or referred to in section 20, notwithstanding that the same may be redeemable and that the price exceeds the redemption value: Power to purchase redeemable stock at a premium.

Provided that a trustee may not purchase at a price exceeding its redemption value any security mentioned or referred to in clauses (b) and (c) of section 20 which is liable to be redeemed within fifteen years of the date of purchase at par or at some other fixed rate, or purchase any such security as is mentioned or referred to in the said clauses which is liable to be redeemed at par or at some other fixed rate at a price exceeding fifteen per centum above par or such other fixed rate.

(2) A trustee may retain until redemption any redeemable stock, fund or security which may have been purchased in accordance with this section.

Mortgage of and pledged to Government under Act XIX of 1883; deposit in Government Savings Bank.

22. Nothing in section 20 shall apply to investments made before this Act comes into force, or shall be deemed to preclude an investment on a mortgage of immoveable property already pledged as security for an advance under the Land Improvement Loans Act, 1883 or, in case the trust-money does not exceed three thousand rupees, a deposit thereof in a Government Savings Bank.

Sale by trustee directed to sell within specified time.

23. Where a trustee directed to sell within a specified time extends such time, the burden of proving as between himself and the beneficiary, that the latter is not prejudiced by the extension lies upon the trustee unless the extension has been authorised by a principal Civil Court of original jurisdiction.

Illustration.

A bequeaths property to B, directing him with all convenient speed and within five years to sell it, and apply the proceeds for the benefit of C. In the exercise of reasonable discretion, B postpones the sale for six years. The sale is not thereby rendered invalid, but C, alleging that he has been injured by the postponement, institutes a suit against B to obtain compensation in such suit the burden of proving that C has not been injured lies on B.

Liability for breach of trust.

24. Where the trustee commits a breach of trust, he is liable to make good the loss which the trust-property or the beneficiary has thereby sustained, unless the beneficiary has by fraud induced the trustee to commit the breach, or the beneficiary, being competent to contract, has himself, without coercion or undue influence having been brought to bear on him, concurred in the breach, or subsequently acquiesced therein, with full knowledge of the facts of the case and his rights as against the trustee.

A trustee committing a breach of trust is not liable to pay interest except in the following cases:—

(*a*) where he has actually received interest;

(*b*) where the breach consists in unreasonable delay in paying trust-money to the beneficiary;

(*c*) where the trustee ought to have received interest but has not done so;

(*d*) where he may be fairly presumed to have received interest.

He is liable, in case (*a*), to account for the interest actually received, and, in cases (*b*), (*c*) and (*d*), to account for simple interest at the rate of six per cent, per annum, unless the Court otherwise directs.

(*e*) where the breach consists in failure to invest trust-money and to accumulate the interest or dividends thereon, he is liable to account for compound interest with half-yearly rests at the same rate.

(*f*) Where the breach consists in the employment of trust-property or the proceeds thereof in trade or business, he is liable to account, at the option of the beneficiary, either for

compound interest with half-yearly rests at the same rate, or for the net profits made by such employment.

Illustrations.

(*a*) A trustee improperly leaves trust-property outstanding, and it is consequently lost; he is liable to make good the property lost, but he is not liable to pay interest thereon.

(*b*) A bequeaths a house to B in trust to sell it and pay the proceeds to C. B neglects to sell the house for a great length of time, whereby the house is deteriorated and its market price falls. B is answerable to C for the loss.

(*c*) A trustee is guilty of unreasonable delay in investing trust-money in accordance with section 20, or in paying it to the beneficiary. The trustee is liable to pay interest thereon for the period of the delay.

(*d*) The duty of the trustee is to invest trust-money in any of the securities mentioned in section 20, clause (*a*), (*b*), (*c*) or (*d*). Instead of so doing, he retains the money in his hands. He is liable, at the option of the beneficiary, to be charged either with the amount of the principal money and interest, or with the amount of such securities as he might have purchased with the trust-money when the investment should have been made, and the intermediate dividends and interest thereon.

(*e*) The instrument of trust directs the trustee to invest trust-money either in any such securities or on mortgage of immoveable property. The trustee does neither. He is liable for the principal money and interest.

(*f*) The instrument of trust directs the trustee to invest trust-money in any of such securities and to accumulate the dividends thereon. The trustee disregards the direction. He is liable, at the option of the beneficiary, to be charged either with the amount of the principal money and compound interest, or with the amount of such securities as he might have purchased with the trust-money when the investment should have been made, together with the amount of the accumulation which would have arisen from a proper investment of the intermediate dividends.

(*g*) Trust-property is invested in one of the securities mentioned in section 20, clause (*a*), (*b*), (*c*) or (*d*). The trustee sells such security for some purpose not authorized by the terms of the instrument of trust. He is liable, at the option of the beneficiary either to replace the security with the intermediate dividends and interest thereon, or to account for the proceeds of the sale with interest thereon.

(*h*) The trust-property consists of land. The trustee sells the land to a purchaser for a consideration without notice of the trust. The trustee is liable at the option of the beneficiary, to purchase other land of equal value to be settled upon the like trust, or to be charged with the proceeds of the sale with interest.

No set-off allowed to trustee.

25. A trustee who is liable for a loss occasioned by a breach of trust in respect of one portion of the trust-property cannot set-off against his liability a gain which has accrued to another portion of the trust-property through another and distinct breach of trust.

Non-liability for predecessor's default.

26. Where a trustee succeeds another, he is not, as such, liable for the acts or defaults of his predecessor.

Non-liability for co-trustee's default.

27. Subject to the provisions of sections 13 and 15, one trustee is not, as such, liable for a breach of trust committed by his co-trustee:

Provided that, in the absence of an express declaration to the contrary in the instrument of trust, a trustee is so liable—

(*a*) where he has delivered trust-property to his co-trustee without seeing to its proper application;

(*b*) where he allows his co-trustee to receive trust-property and fails to make due enquiry as to the co-trustee's dealings therewith or allows him to retain it longer than the circumstances of the case reasonably require;

(*c*) where he becomes aware of a breach of trust committed or intended by his co-trustee, and either actively conceals it or does not within a reasonable time take proper steps to protect the beneficiary's interest.

Joining in receipt for conformity.

A co-trustee who joins in signing a receipt for trust-property and proves that he has not received the same is not answerable, by reason of such signature only, for loss or misapplication of the property by his co-trustee.

Illustration.

A bequeaths certain property to B and C, and directs them to sell it and invest the proceeds for the benefit of D. B and C accordingly sell the property, and the purchase-money is received by B and retained in his hands. C pays no attention to the matter for two years, and then calls on B to make the investment. B is unable to do so, becomes insolvent, and the purchase-money is lost. C may be compelled to make good the amount.

Several liability of co-trustees.

28. Where co-trustees jointly commit a breach of trust, or where one of them by his neglect enables the other to commit a breach of trust, each is liable to the beneficiary for the whole of the loss occasioned by such breach.

Contribution as between co-trustees.

But as between the trustees themselves, if one be less guilty than another and has had to refund the loss, the former may compel the latter, or his legal representative to the extent of the assets he has received, to make good such loss; and, if all be equally guilty, any one or more of the trustees who has had to refund the loss may compel the others to contribute.

Nothing in this section shall be deemed to authorise a trustee who has been guilty of fraud to institute a suit to compel contribution.

Non-liability of trustee paying without notice of transfer by beneficiary.

29. When any beneficiary's interest becomes vested in another person, and the trustee, not having notice of the vesting, pays or delivers trust-property to the person who would have been entitled thereto in the absence of such vesting, the trustee is not liable for the property so paid or delivered.

30. When the beneficiary's interest is forfeited or awarded by legal adjudication to the Government the trustee is bound to hold the trust-property to the extent of such interest for the benefit of such person in such manner as the Government may direct in this behalf.

Liability of trustee where beneficiary's interest is forfeited to the Government.

31. Subject to the provisions of the instrument of trust and of sections 24 and 27, trustees shall be respectively chargeable only for such moneys, stocks, funds and securities as they respectively actually receive and shall not be answerable the one for the other of them nor for any banker, broker or other person in whose hands any trust-property may be placed, nor for the insufficiency or deficiency of any stocks, funds or securities, nor otherwise for involuntary losses.

Indemnity of trustees.

CHAPTER IV.

Of the Rights and Powers of Trustees.

32. A trustee is entitled to have in his possession the instrument of trust and all the documents of title if any relating solely to the trust-property.

Right to title-deed.

33. Every trustee may reimburse himself, or pay or discharge out of the trust-property, all expenses properly incurred in or about the execution of the trust, or the realisation, preservation or benefit of the trust-property, or the protection of support of the beneficiary.

Right to reimbursement of expenses.

If he pays such expenses out of his own pocket, he has a first charge upon the trust-property for such expenses and interest thereon; but such charge unless the expenses have been incurred with the sanction of a principal Civil Court of original jurisdiction, shall be enforced only by prohibiting any disposition of the trust-property without previous payment of such expenses and interest.

If the trust-property fail, the trustee is entitled to recover from the beneficiary personally on whose behalf he acted, and at whose request, expressed or implied, he made the payment, the amount of such expenses.

Where a trustee has by mistake made an over-payment to the beneficiary, he may reimburse the trust-property out of the beneficiary's interest. If such interest fail, the trustee is entitled to recover from the beneficiary personally the amount of such over-payment.

Right to be recouped for erroneous over-payment.

34. A person other than a trustee who has gained an advantage from a breach of trust must indemnify the trustee to the extent of the amount actually received by such person under the breach; and where he is a beneficiary the trustee has a charge on his interest for such amount.

Right to indemnity from gainer by breach of trust.

Nothing in this section shall be deemed to entitle a trustee to be indemnified who has, in committing the breach of trust, been guilty of fraud.

Right to apply to Court for opinion in management of trust-property.

35. Any trustee may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction for its opinion, advice or direction on any present questions respecting the management or administration of the trust-property other than questions of detail, difficulty or importance, not proper in the opinion of the Court for summary disposal.

A copy of such petition shall be served upon, and the hearing thereof may be attended by, such of the persons interested in the application as the Court thinks fit.

The trustee stating in good faith the facts in such petition and acting upon the opinion, advice or direction given by the Court shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee in the subject-matter of the application.

The costs of every application under this section shall be in the discretion of the Court to which it is made.

Right to settlement of accounts.

36 When the duties of a trustee, as such, are completed, he is entitled to have the accounts of his administration of the trust-property examined and settled; and, where nothing is due to the beneficiary under the trust, to an acknowledgment in writing to that effect.

General authority of trustee.

37. In addition to the powers expressly conferred by this Act and by the instrument of trust, and subject to the restrictions, if any, contained in such instrument, and to the provisions of section 17, a trustee may do all acts which are reasonable and proper for the realization, protection or benefit of the trust-property, and for the protection or support of a beneficiary who is not competent to contract.

Except with the permission of a principal Civil Court of original jurisdiction, no trustee shall lease trust-property for a term exceeding twenty-one years from the date of executing the lease, nor without reserving the best yearly rent that can be reasonably obtained.

Power to sell in lots, and either by public auction or private contract.

38. Where the trustee is empowered to sell any trust-property, he may sell the same subject to prior charges or not, and either together or in lots, by public auction or private contract, and either at one time or at several times, unless the instrument of trust otherwise directs.

Power to sell under special conditions. Power to buy in and re-sell.

39. The trustee making any such sale may insert such reasonable stipulations either as to title or evidence of title, or otherwise in any conditions of sale or contract for sale, as he thinks fit; and may also buy in the property or any part thereof at any sale by auction, and rescind or vary any contract for sale, and re-sell the property so bought in, or as to which the contract is so rescinded, without being responsible to the beneficiary for any loss occasioned thereby.

Time allowed for selling trust-property.

Where a trustee is directed to sell trust-property or to invest trust-money in the purchase of property, he may exercise a reasonable discretion as to the time of effecting the sale or purchase.

Illustrations.

(*a*) A bequeaths property to B, directing him to sell it with all convenient speed and pay the proceeds to C. This does not render an immediate sale imperative.

(*b*) A bequeaths property to B, directing him to sell it at such time and in such manner as he shall think fit and invest the proceeds for the benefit of C. This does not authorize B, as between him and C, to postpone the sale to an indefinite period.

40. For the purpose of completing any such sale, the trustee shall have power to convey or otherwise dispose of the property sold in such manner as may be necessary. Power convey.

41. A trustee may, at his discretion, call in any trust-property invested in any security and invest the same on any of the securities mentioned or referred to in section 20, and from time to time vary any such investments for others of the same nature: Power to vary investments.

Provided that, where there is a person competent to contract and entitled at the time to receive the income of the trust-property for his life, or for any greater estate, no such change of investment shall be made without his consent in writing.

42. Where any property is held by a trustee in trust for a minor, such trustee may, at his discretion, pay to the guardians (if any) of such minor, or otherwise apply for or towards his maintenance or education or advancement in life, or the reasonable expenses of his religious worship, marriage or funeral, the whole or any part of the income to which he may be entitled in respect of such property; and such trustee shall accumulate all the residue of such income by way of compound interest by investing the same and the resulting income thereof from time to time in any of the securities mentioned or referred to in section 20, for the benefit of the person who shall ultimately become entitled to the property from which such accumulations have arisen: Power to apply property of minors, etc., for their maintenance, etc.

Provided that such trustee may, at any time, if he thinks fit, apply the whole or any part or such accumulations as if the same were part of the income arising in the then current year.

Where the income of the trust-property is insufficient for the minor's maintenance or education or advancement in life, or the reasonable expenses of his religious worship, marriage or funeral, the trustee may, with the permission of a principal Civil Court of original jurisdiction, but not otherwise, apply the whole or any part of such property for or towards such maintenance, education, advancement or expenses.

Nothing in this section shall be deemed to affect the provisions of any law for the time being in force relating to the persons and property of minors.

43. Any trustees or trustee may give a receipt in writing for any money, securities or other moveable property payable, transferable or deliverable to them or him by reason, or in the Power to give receipts.

exercise, of any trust or power; and, in the absence of fraud, such receipt shall discharge the person paying, transferring or delivering the same therefrom, and from seeing to the application thereof, or being accountable for any loss or misapplication thereof.

Power to compound, etc.

44. Two or more trustees acting together may, if and as they think fit,—

(*a*) accept any composition or any security for any debt or for any property claimed;

(*b*) allow any time for payment of any debt;

(*c*) compromise, compound, abandon, submit to arbitration or otherwise settle any debt, account, claim or thing whatever relating to the trust; and,

(*d*) for any of those purposes, enter into, give, execute and do such agreements, instruments of composition or arrangement releases and other things as to them seem expedient, without being responsible for any loss occasioned by any act or thing so done by them in good faith.

The powers conferred by this section on two or more trustees acting together may be exercised by a sole acting trustee when by the instrument of trust, if any, a sole trustee is authorised to execute the trusts and powers thereof.

This section applies only if and as far as a contrary intention is not expressed in the instrument of trust, if any, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

This section applies only to trusts created after this Act comes into force.

Power to several trustees of whom one disclaims or dies.

45. When an authority to deal with the trust-property is given to several trustees and one of them disclaims or dies, the authority may be exercised by the continuing trustees, unless from the terms of the instrument of trust it is apparent that the authority is to be exercised by a number in excess of the number of the remaining trustees.

Suspension of trustee's powers by decree.

46. Where a decree has been made in a suit for the execution of a trust, the trustee must not exercise any of his powers except in conformity with such decree, or with the sanction of the Court by which the decree has been made, or, where an appeal against the decree is pending, of the Appellate Court.

CHAPTER V.

Of the Disabilities of Trustees.

Trustee cannot renounce after acceptance.

47. A trustee who has accepted the trust cannot afterwards renounce it except (*a*) with the permission of a principal Civil Court of original jurisdiction, or (*b*) if the beneficiary is competent to contract, with his consent, or (*c*) by virtue of a special power in the instrument of trust.

48. A trustee cannot delegate his office or any of his duties either to a co-trustee or to a stranger, unless (*a*) the instrument of trust so provides, or (*b*) the delegation is in the regular course of business, or (*c*) the delegation is necessary, or (*d*) the beneficiary, being competent to contract, consents to the delegation. Trustee cannot delegate.

Explanation :—The appointment of an attorney or proxy to do an act merely ministerial and involving no independent discretion is not a delegation within the meaning of this section.

Illustrations.

(*a*) A bequeaths certain property to B and C on certain trust to be executed by them or the survivor of them or the assigns of such survivor. B dies. C may bequeath the trust-property to D and E upon the trusts of A's will.

(*b*) A is a trustee of certain property with power to sell the same. A may employ an auctioneer to effect the sale.

(*c*) A bequeaths to B fifty houses let at monthly rents in trust to collect the rents and pay them to C. B may employ a proper person to collect these rents.

49. When there are more trustees than one, all must join in the execution of the trust, except where the instrument of trust otherwise provides. Co-trustees cannot act singly.

50. Where a discretionary power conferred on a trustee is not exercised reasonably and in good faith, such power may be controlled by a principal Civil Court of original jurisdiction. Control of discretionary power.

51. In the absence of express directions to the contrary contained in the instrument of trust or of a contract to the contrary entered into with the beneficiary or the Court at the time of accepting the trust, a trustee has no right to remuneration for his trouble, skill and loss of time in executing the trust. Trustee may not charge for services.

Nothing in this section applies to any official trustee or person holding a certificate of administration.

52. A trustee may not use or deal with the trust-property for his own profit or for any other purpose unconnected with the trust. Trustee may not use trust-property for his own profit.

53. No trustee whose duty it is to sell trust-property, and no agent employed by such trustee for the purpose of the sale, may, directly or indirectly, buy the same or any interest therein, on his own account or as agent for a third person. Trustee for sale or his agent may not buy.

54. No trustee and no person who had recently ceased to be a trustee, may, without the permission of a principal Civil Court of original jurisdiction, buy or become mortgagee or lessee of the trust-property or any part thereof; and such permission shall not be given unless the proposed purchase, mortgage or lease is manifestly for the advantage of the beneficiary. Trustee may not buy beneficiary's interest without permission.

And no trustee whose duty it is to buy or to obtain a mortgage or lease of particular property for the beneficiary may buy it, or any part thereof or obtain a mortgage or lease of it, or any part thereof, for himself. Trustee for purchase.

Co-trustees may not lend to one of themselves.

55. A trustee or co-trustee whose duty it is to invest trust money on mortgage or personal security must not invest it on mortgage by, or on the personal security of, himself or one of his co-trustees.

CHAPTER VI.

Of the Rights and Liabilities of the Beneficiary.

Right to rents and profits.

56. The beneficiary has, subject to the provisions of the instrument of trust, a right to the rents and profits of the trust-property.

Rights to specific execution.

57. The beneficiary is entitled to have the intention of the author of the trust specifically executed to the extent of the beneficiary's interest;

Right to transfer of possession.

and, where there is only one beneficiary and he is competent to contract, or where there are several beneficiaries and they are competent to contract and all of one mind, he or they may require the trustee to transfer the trust-property to him or them, or to such person as he or they may direct.

When property has been transferred or bequeathed for the benefit of a married woman, so that she shall not have power to deprive herself of her beneficial interest nothing in the second clause of this section applies to such property during her marriage.

Illustrations.

(*a*) Certain Government securities are given to trustees upon trust to accumulate the interest until A attains the age of 24, and then to transfer the gross amount to him. A on attaining majority may, as the person exclusively interested in the trust-property, require the trustees to transfer it immediately to him.

(*b*) A bequeaths Rs. 10,000 to trustees upon trust to purchase an annuity for B, who has attained his majority and is otherwise competent to contract. B may claim the Rs. 10,000.

(*c*) A transfers certain property to B and directs him to sell or invest it for the benefit of C, who is competent to contract. C may elect to take the property in its original character.

Right to inspect and take copies of instrument of trust, accounts, etc.

58. The beneficiary has a right, as against the trustee and all persons claiming under him with notice of the trust, to inspect and take copies of the instrument of trust, the documents of title relating solely to the trust-property, the accounts of the trust-property and the vouchers (if any) by which they are supported, and the cases submitted and opinions taken by the trustee for his guidance in the discharge of his duty.

Right to transfer beneficial interest.

59. The beneficiary, if competent to contract, may transfer his interest, but subject to the law for the time being in force as to the circumstances and extent in and to which he may dispose of such interest:

Provided that when property is transferred or bequeathed for the benefit of a married woman, so that she shall not have

power to deprive herself of her beneficial interest, nothing in this section shall authorise her to transfer such interest during her marriage.

60. Where no trustee are appointed or all the trustees die, disclaim, or are discharged, or where for any other reason the execution of a trust by the trustee is or becomes impracticable, the beneficiary may institute a suit for the execution of the trust, and the trust shall, so far as may be possible, be executed by the Court until the appointment of a trustee or new trustee. Right to sue for execution of trust.

61. The beneficiary has a right subject to the provisions of the instrument of trust, that the trust-property shall be properly protected and held and administrated by proper persons and by a proper number of such persons. Right to proper trustees.

Explanation I.—The following are not proper persons within the meaning of this section:—

A person domiciled abroad; an alien enemy: a person having an interest inconsistent with that of the beneficiary: a person in insolvent circumstances; and, unless the personal law of the beneficiary allows otherwise, a married woman and a minor.

Explanation II.—When the administration of the trust involves the receipt and custody of money, the number of trustees should be two at least.

Illustrations.

(*a*) A, one of several beneficiaries, proves that B the trustee, has improperly disposed of part of the trust-property, or that the property is in danger from B's being in insolvent circumstances, or that he is incapacitated from acting as trustee. A may obtain a receiver of the trust-property.

(*b*) A bequeaths certain jewels to B in trust for C. B dies during A's lifetime; then A dies. C is entitled to have the property conveyed to a trustee for him.

(*c*) A conveys certain property to four trustees in trust for B. Three of the trustees die. B may institute a suit to have three new trustees appointed in the place of the deceased trustees.

(*d*) A conveys certain property to three trustees in trust for B. All the trustees disclaim. B may institute a suit to have three trustees appointed in place of the trustees so disclaiming.

(*e*) A, a trustee for B, refuses to act, or goes to reside permanently out of Mysore, or is declared an insolvent, or compounds with his creditors, or suffers a co-trustee to commit a breach of trust. B may institute a suit to have A removed and a new trustee appointed in his room.

62. The beneficiary has a right that his trustee shall be compelled to perform any particular act of his duty as such, and restrained from committing any contemplated or probable breach of trust. Right to compel to any act of duty.

Illustrations.

(*a*) A contracts with B to pay him monthly Rs. 100 for the benefit of C. B writes and signs a letter declaring that he will hold in trust for C the money so to be paid. A fails to pay the money in

accordance with his contract. C may compel B on a proper indemnity to allow C to sue on the contract in B's name.

(*b*) A is trustee of certain land, with a power to sell the same and pay the proceeds to B and C equally. A is about to make an improvident sale of the land. B may sue on behalf of himself and C for an injunction to restrain A from making the sale.

Wrongful purchase by trustee.

63. Where a trustee has wrongfully bought trust-property, the beneficiary has a right to have the property declared subject to the trust or retransferred by the trustee, if it remains in his hands unsold, or, if it has been bought from him by any person with notice of the trust, by such person. But in such case the beneficiary must repay the purchase-money paid by the trustee, with interest and such other expenses if any, as he has properly incurred in the preservation of the property; and the trustee or purchaser must (*a*) account for the net profits of the property, (*b*) be charged with an occupation-rent, if he has been in actual possession of the property, and (*c*) allow the beneficiary to deduct a proportionate part of the purchase-money if the property has been deteriorated by the acts or omissions of the trustee or purchaser.

Nothing in this section—

(*a*) impairs the rights of lessees and others who, before the institution of a suit to have the property declared subject to the trust or transferred, have contracted in good faith with the trustee or purchaser; or

(*b*) entitles the beneficiary to have the property declared subject to the trust or retransferred where he, being competent to contract, has himself, without coercion or undue influence having been brought to bear on him, ratified the sale to the trustee with full knowledge of the facts of the case and of his rights as against the trustee.

Following trust-property into the hands of third persons;

64. Where trust-property comes into the hands of a third person inconsistently with the trust, the beneficiary may require him to admit formally, or may institute a suit for a declaration, that the property is comprised in the trust.

into that into which it has been converted.

Where the trustee has disposed of trust-property and the money or other property which he has received therefor can be traced in his hands, or the hands of his legal representative or legatee, the beneficiary has, in respect thereof, rights as nearly as may be the same as his rights in respect of the original trust-property.

Illustrations.

(*a*) A, a trustee for B of Rs. 10,000, wrongfully invests the Rs. 10,000 in the purchase of certain land. B is entitled to the land.

(*b*) A, a trustee, wrongfully purchases land in his own name, partly with his own money, partly with money subject to a trust for B. B is entitled to a charge on the land for the amount of the trust-money so misemployed.

65. Nothing in section 64 entitles the beneficiary to any right in respect of property in the hands of— Saving of rights of certain transferees.

(*a*) a transferee in good faith for consideration without having notice of the trust, either when the purchase money was paid, or when the conveyance was executed, or

(*b*) a transferee for consideration from such a transferee.

A judgment-creditor of the trustee attaching and purchasing trust-property is not a transferee for consideration within the meaning of this section.

Nothing in section 64 applies to money, currency notes and negotiable instruments in the hands of a *bona fide* holder to whom they have passed in circulation, or shall be deemed to affect Section 108, of the Indian Contract Act, 1872, as in force in Mysore, or the liability of a person to whom a debt or charge is transferred.

66. Where a trustee wrongfully sells or otherwise transfers trust-property and afterwards himself becomes the owner of the property, the property again becomes subject to the trust, notwithstanding any want of notice on the part of intervening transferees in good faith for consideration. Acquisition by trustee of trust-property wrongfully converted.

67. Where the trustee wrongfully mingles the trust-property with his own, the beneficiary is entitled to a charge on the whole fund for the amount due to him. Right in case of blended property.

68. If a partner, being a trustee, wrongfully employs trust-property in the business, or on the account of the partnership, no other partner is liable therefor in his personal capacity to the beneficiaries, unless he had notice of the breach of trust. Wrongful employment by partner-trustee of trust property for partnership purposes.

The partners having such notice are jointly and severally liable for the breach of trust.

Illustrations.

(*a*) A and B are partners. A dies, having bequeathed all his property to B in trust for Z, and appointed B his sole executor. B, instead of winding up the affairs of the partnership, retains all the assets in the business. Z may compel him, as partner, to account for so much of the profits as are derived from A's share of the capital. B is also answerable to X for the improper employment of A's assets.

(*b*) A, a trader, bequeaths his property to B in trust for C, appoints B his sole executor, and dies. B enters into partnership with X and Y in the same trade, and employs A's assets in the partnership-business. B gives an indemnity to X and Y against the claims of C. Here X and Y are jointly liable with B to C as having knowingly become parties to the breach of trust committed by B.

69. Where one of several beneficiaries— Liability of beneficiary joining in breach of trust.

(*a*) joins in committing breach of trust or

(*b*) knowingly obtains any advantage therefrom, without the consent of the other beneficiaries, or

(*c*) becomes aware of a breach of trust committed or intended to be committed, and either actually conceals it, or does not within a reasonable time take proper steps to protect the interests of the other beneficiaries, or

(*d*) has deceived the trustee and thereby induced him to commit a breach of trust,

the other beneficiaries are entitled to have all his beneficial interest impounded as against him and all who claim under him (otherwise than as transferees for consideration without notice of the breach) until the loss caused by the breach has been compensated.

When property has been transferred or bequeathed for the benefit of a married woman, so that she shall not have power to deprive herself of her beneficial interest nothing in this section applies to such property during her marriage.

Rights and liabilities of beneficiary's transferee.

70. Every person to whom a beneficiary transfers his interest has the rights, and is subject to the liabilities, of the beneficiary in respect of such interest at the date of the transfer.

CHAPTER VII.

Of Vacating the Office of Trustee.

Office how vacated.

71. The office of a trustee is vacated by his death or by his discharge from his office.

Discharge of trustee.

72. The trustee may be discharged from his office only as follows :—

(*a*) by the extinction of the trust ;

(*b*) by the completion of his duties under the trust ;

(*c*) by such means as may be prescribed by the instrument of trust ;

(*d*) by appointment under this Act of a new trustee in his place ;

(*e*) by consent of himself and the beneficiary, or, where there are more beneficiaries than one, all the beneficiaries being competent to contract, or

(*f*) by the Court to which a petition for his discharge is presented under this Act.

Petition to be discharged from trust.

73. Notwithstanding the provisions of section 11, every trustee may apply by petition to a principal Civil Court of original jurisdiction to be discharged from his office ; and, if the Court finds that there is sufficient reason for such discharge, it may discharge him accordingly, and direct his costs to be paid out of the trust-property. But, where there is no such reason, the Court shall not discharge him, unless a proper person can be found to take his place.

Appointment of new trustees on death, etc.

74. Whenever any person appointed a trustee, disclaims, or any trustee, either original or substituted, dies, or is for a continuous period of six months absent from Mysore, or leaves Mysore for the purpose of residing out of Mysore, or is declared an insolvent, or desired to be discharged from the trust, or refuses or becomes, in the opinion of a principal Civil Court of oringinal jurisdiction, unfit or personally incapable to act in the

trust, or accepts an inconsistent trust, a new trustee may be appointed in his place by—

(*a*) the person nominated for that purpose by the instrument of trust, if any, or

(*b*) if there be no such person, or no such person able and willing to act, the author of the trust if he be alive and competent to contract, or the surviving or continuing trustees or trustee for the time being, or legal representative of the last surviving and continuing trustee, or with the consent of the court, the retiring trustees, if they all retire simultaneously, or with the like consent the last retiring trustee.

Every such appointment shall be by writing under the hand of the person making it.

On an appointment of a new trustee the number of trustees may be increased.

The Official Trustee may, with his consent and by the order of the Court, be appointed under this section in any case in which only one trustee is to be appointed and such trustee is to be the sole trustee.

The provisions of this section relative to a trustee who is dead include the case of a person nominated trustee in a will but dying before the testator, and those relative to a continuing trustee include a refusing or retiring trustee if willing to act in the execution of the power.

Appointment by Court.

75. Whenever any such vacancy or disqualification occurs and it is found impracticable to appoint a new trustee under section 74 the beneficiary may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction for the appointment of a trustee or a new trustee, and the Court may appoint a trustee or a new trustee accordingly.

Rules for selecting new trustees.

In appointing new trustees, the Court shall have regard (*a*) to the wishes of the author of the trust as expressed in or to be inferred from the instrument of trust; (*b*) to the wishes of the person, if any, empowered to appoint new trustees; (*c*) to the question whether the appointment will promote or impede the execution of the trust; and (*d*) where there are more beneficiaries than one, to the interests of all such beneficiaries.

Vesting of trust-property in new trustees.

76. Whenever any new trustee is appointed under section 74 or section 75 all the trust-property for the time being vested in the surviving or continuing trustees or trustee, or in the legal representative of any trustee, shall become vested in such new trustee, either solely or jointly with the surviving or continuing trustees or trustee, as the case may require.

Powers of new trustees.

Every new trustee so appointed, and every trustee appointed by a Court, either before or after the passing of this Act, shall have the same powers, authorities and discretions, and shall in all respects act, as if he had been originally nominated a trustee by the author of the trust.

Survival of trust.

77. On the death or discharge of one of several co-trustees, the trust survives and the trust-property passes to the others, unless the instrument of trust expressly declares otherwise.

CHAPTER VIII.

Of the Extinction of Trusts.

Trust how extinguished.

78. A trust is extinguished—

(a) when its purpose is completely fulfilled; or

(b) when its purpose becomes unlawful; or

(c) when the fulfilment of its purpose becomes impossible by destruction of the trust-property or otherwise; or

(d) when the trust, being revocable, is expressly revoked.

Revocation of trust.

79. A trust created by will may be revoked at the pleasure of the testator.

A trust otherwise created can be revoked only—

(a) where all the beneficiaries are competent to contract—by their consent;

(b) where the trust has been declared by a non-testamentary instrument or by word of mouth—in exercise of a power of revocation expressly reserved to the author of the trust; or

(c) where the trust is for the payment of the debts of the author of the trust, and has not been communicated to the creditors—at the pleasure of the author of the trust.

Illustration.

A conveys property to B in trust to sell the same and pay out of the proceeds the claims of A's creditors. A reserves no power of revocation. If no communications has been made to the creditors, A may revoke the trust but if the creditors are parties to the arrangement, the trust cannot be revoked without their consent.

Revocation not to defeat what trustees have duly done.

80. No trust can be revoked by the author of the trust so as to defeat or prejudice what the trustees may have duly done in execution of the trust.

CHAPTER IX.

Of Certain Obligations in the Nature of Trusts.

Where obligation in nature of trust is created.

81. An obligation in the nature of a trust is created in the following cases.

Where it does not appear that transferor intended to dispose of beneficial interest.

82. Where the owner of property transfers or bequeaths it and it cannot be inferred consistently with the attendant circumstances that he intended to dispose of the beneficial interest therein, the transferee or legatee must hold such property for the benefit of the owner or his legal representative.

Illustrations.

(a) A conveys land to B without consideration and declares no trust of any part. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to

transfer the beneficial interest in the land. B holds the land for the benefit of A.

(b). A conveys to B two fields, Y and Z, and declares a trust of Y, but says nothing about Z. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in Z. B holds Z for the benefit of A.

(c) A transfers certain stock belonging to him into the joint names of himself and B. It cannot consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in the stock during his life. A and B hold the stock for the benefit of A during his life.

(d) A makes a gift of certain land to his wife B. She takes the beneficial interest in the land free from any trust in favour of A, for it may be inferred from the circumstances that the gift was for B's benefit.

Transfer to one for consideration paid by another.

83. Where property is transferred to one person for a consideration paid or provided by another person, and it appears that such other person paid or provided by another person, and it appears that such other person did not intend to pay or provide such consideration for the benefit of the transferee, the transferee must hold the property for the benefit of the person paying or providing the consideration.

Nothing in this section shall be deemed to affect the Code of Civil Procedure.

Trust incapable of execution or executed without exhausting trust-property.

84. Where a trust is incapable of being executed or where the trust is completely executed without exhausting the trust-property, the trustee, in the absence of a direction to the contrary, must hold the trust-property, or so much thereof as is unexhausted, for the benefit of the author of the trust or his legal representative.

Illustrations.

(a) A conveys certain land to B—

"upon trust," and no trust is declared or

"upon trust to be thereafter declared," and no such declaration is ever made; or

upon trusts that are too vague to be executed; or

upon trusts that become incapable of taking effect; or

"in trust for C," and C renounces his interest under the trust.

In each of these cases B holds the land for the benefit of A.

(b) A transfers Rs. 10,000 in the four per cents, to B, in trust to pay the interest annually accruing due to C for her life. A dies. Then C dies. B holds the fund for the benefit of A's legal epresentative.

(c) A conveys land to B upon trust to sell it and apply one moiety of the proceeds for certain charitable purposes, and the other for the maintenance of the worship of an idol. B sells the land, but the charitable purposes wholly fail, and the maintenance of the worship does not exhaust the second moiety of the proceeds. B holds the first moiety and the part unapplied of the second moiety for the benefit of A or his legal representative.

(*d*) A bequeaths Rs. 10,000 to B, to be laid out in buying land to be conveyed for purposes which either wholly or partially fail to take effect. B holds for the benefit of A's legal representative the undisposed of interest in the money or land if purchased.

Transfer for illegal purpose.

85. Where the owner of property transfers it to another for an illegal purpose and such purpose is not carried into execution, or the transferor is not as guilty as the transferee, or the effect of permitting the transferee to retain the property might be to defeat the provisions of any law, the transferee must hold the property for the benefit of the transferor.

Bequest for illegal purposes.

86. Where a testator bequeaths certain property upon trust and the purpose of the trust appears on the face of the will to be unlawful, or during the testator's life-time the legatee agrees with him to apply the property for an unlawful purpose, the legatee must hold the property for the benefit of the testator's legal representative.

Bequest of which revocation is prevented by coercion.

Where property is bequeathed and the revocation of the bequest is prevented by coercion, the legatee must hold the property for the benefit of the testator's legal representative.

Transfer pursuant to rescindable contract.

87. Where property is transferred in pursuance of a contract which is liable to rescission or induced by fraud or mistake, the transferee must, on receiving notice to that effect, hold the property for the benefit of the transferor, subject to repayment by the latter of the consideration actually paid.

Debtor becoming creditor's representative.

88. Where a debtor becomes the executor or other legal representative of his creditor, he must hold the debt for the benefit of the persons interested therein.

Advantage gained by fiduciary.

89. Where a trustee, executor, partner, agent, director of a company, legal adviser, or other person bound in a fiduciary character to protect the interests of another person, by availing himself of his character gains for himself any pecuniary advantage, or where any person so bound enters into any dealings under circumstances in which his own interests are, or may be, adverse to those of such other person and thereby gains for himself a pecuniary advantage, he must hold for the benefit of such other person the advantage so gained.

Illustrations.

(*a*) A an executor, buys at an undervalue from B, a legatee, his claim under the will. B is ignorant of the value of the bequest. A must hold for the benefit of B the difference between the price and value.

(*b*) A, a trustee, uses the trust property for the purpose of his own business. A holds for the benefit of his beneficiary the profits arising from such user.

(*c*) A, a trustee, retires from his trust in consideration of his successor paying him a sum of money. A holds such money for the benefit of his beneficiary.

(*d*) A, a partner, buys land in his own name with funds belonging to the partnership. A holds such lands for the benefit of the partnership.

(*e*) A, a partner, employed on behalf of himself and his co-partners in negotiating the terms of a lease, clandestinely stipulates with the lessor for payment to himself of a lakh of rupees. A holds the lakh for the benefit of the partnership.

(*f*) A and B are partners. A dies. B, instead of winding up the affairs of the partnership, retains all the assets in the business. B must account to A's legal representative for the profits arising from A's share of the capital.

(*g*) A, an agent employed to obtain a lease for B, obtains the lease for himself. A holds the lease for the benefit of B.

(*h*) A, a guardian, buys up for himself incumbrances on his ward B's estate at an undervalue. A holds for the benefit of B the incumbrances so bought, and can only charge him with what he has actually paid.

Advantage gained by exercise of undue influence.

90. Where, by the exercise of undue influence, any advantage is gained in derogation of the interests of another, the person gaining such advantage without consideration, or with notice that such influence has been exercised, must hold the advantage for the benefit of the person whose interests have been so prejudiced.

Advantage gained by qualified owner.

91. Where a tenant for life, co-owner, mortgagee or other qualified owner of any property, by availing himself of his position as such, gains an advantage in derogation of the rights of the other persons interested in the property, or where any such owner, as representing all persons interested in such property, gains any advantage, he must hold, for the benefit of all persons so interested, the advantage, so gained, but subject to repayment by such persons of their due share of the expenses properly incurred, and to an indemnity by the same persons against liabilities properly contracted, in gaining such advantage.

Illustrations.

(*a*) A, the tenant for life of leasehold property renews the lease in his own name and for his own benefit. A holds the renewed lease for the benefit of all those interested in the old lease.

(*b*) A mortgages land to B who enters into possession. B allows the Government revenue to fall into arrear with a view to the land being put up for sale and his becoming himself the purchaser of it. The land is accordingly sold to B. Subject to the repayment of the amount due on the mortgage and of his expenses properly incurred as mortgagee, B holds the land for the benefit of A.

Property acquired with notice of existing contract.

92. Where a person acquires property with notice that another person has entered into an existing contract affecting that property, of which specific performance could be enforced, the former must hold the property for the benefit of the latter to the extent necessary to give effect to the contract.

Purchase by person contracting to buy property to be held on trust.

93. Where a person contracts to buy property to be held on trust for certain beneficiaries and buys the property accordingly, he must hold the property for their benefit to the extent necessary to give effect to the contract.

Advantage secretly gained by one of several compounding creditors.

94. Where creditors compound the debts due to them, and one of such creditors, by a secret arrangement with the debtor, gains an undue advantage over his co-creditors, he must hold for the benefit of such creditors the advantage so gained.

Constructive trusts in cases not expressly provided for.

95. In any case not coming within the scope of any of the preceding sections, where there is no trust, but the person having possession of property has not the whole beneficial interest therein, he must hold the property for the benefit of the persons having such interest, or the residue thereof, as the case may be, to the extent necessary to satisfy their just demands.

Illustrations.

(*a*) A, an executor, distributes the assests of his testator B to the legatees without having paid the whole of B's debts. The legatees hold for the benefit of B's creditors, to the extent necessary to satisfy their just demands, the assets so distributed.

(*b*) A by mistake assumes the character of a trustee for B, and under colour of the trust receives certain money. B may compel him to account for such moneys.

(*c*) A makes a gift of a lakh of rupees to B, reserving to himself, with B's assent, power to revoke at pleasure the gift as to Rs. 10,000. The gift is void as to Rs. 10,000 and B holds that sum for the benefit of A.

Obligor's duties, liabilities and disabilities.

96. The person holding property in accordance with any of the preceding sections of this Chapter must, so far as may be, perform the same duties, and is subject, so far as may be, to the same liabilities and disabilities, as if he were a trustee of the property for the person for whose benefit he holds it.

Provided that (*a*) where he rightfully cultivates the property or employs it in trade or business, he is entitled to reasonable remuneration for his trouble, skill and loss of time in such cultivation or employment; and (*b*) where he holds the property by virtue of a contract with a person for whose benefit he holds it, or with any one through whom such person claims he may, without the permission of the Court buy, or become lessee or mortgagee of the property or any part thereof.

Saving of rights to *bona fide* purchasers.

97. Nothing contained in this Chapter shall impair the rights of transferees in good faith for consideration, or create an obligation in evasion of any law for the time being in force.

Repeal.

98. The entry relating to the Indian Trusts Act, 1882, in Schedule B of the Retroceded Area Application of Laws) Act, 1948, shall be omitted. But anything done or any action taken in exercise of any power conferred by or under the said Indian Trusts Act, 1882, shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act.

Statement of Objects and Reasons.

TRUSTS, in the strict sense in which that term is used by English lawyers, that is to say, trusts, to the existence of which a 'legal' estate and an 'equitable' estate, wholly separate from and independent of each other, are necessary are unknown to Hindu and Muhammadan law. But trusts in the wider sense of the word, that is to say, obligations annexed to the ownership of property which arise out of a confidence reposed in and accepted by the owner for the benefit of another, are well recognised and acted upon in this country. In 1879, a Bill codifying the law relating to trusts in the wider sense was laid before the Indian Law Commission. This Bill became law in 1882, under the title the Indian Trusts Act, 1882, (II of 1882), in the Provinces.

So far as Mysore is concerned, though trusts are fully recognised, there is very little legislation with regard to them. The Indian Penal Code as in force in Mysore contains provisions for the punishment of criminal breach of trust; the Specific Relief Act defines "trust" and "trustee" and provides that a trustee may sue for the possession of property to the beneficial interest in which the person for whom he is trustee is entitled; the Civil Procedure Code contains provisions for the conduct of suits by or against trustees, executors and administrators (Order 31, rules 1 to 3) and for suits relating to public charities (Section 92); the Limitation Act provides that no suit against an express trustee or his legal representative or assigns shall be barred by any length of time, and contains provisions for the limitation of suits to make good the loss caused by the breach of trust of a person deceased, for contribution against the purchaser of moveable property from a trustee and against the purchaser of land from trustee (Section 10 and First Schedule Articles 98, 100, 133 and 134). With the exception of these provisions and the Religious and Charitable Institutions Act, 1927, (VII of 1927), the Statute-book is silent on the subject of private secular trusts.

The object of the present Bill, which is based on the Indian Trusts Act, 1882, is to codify the law relating to trusts in the wider sense above described; but it saves the rules of Muhammadan law as to *waqf*, and the mutual relations of the members of an undivided family as determined by any customary or personal law. And it leaves untouched public or private religious or charitable endowments.

The Bill distributes the subject under the following heads: I, preliminary: II, the creation of trusts: III, the duties and liabilities of trustee: IV, their rights and powers: V, their disabilities: VI, the rights and liabilities of the beneficiary: VII, vacating the office of trustees: VIII, the extinction of trusts; and IX, certain obligations of the nature of trusts.

In the preliminary chapter 'a trust' has been defined as an obligation annexed to the ownership of property and arising out of confidence reposed in and accepted by the owner, or declared and accepted by him, for the benefit of another or of another and the owner. In order to prevent the introduction of conceptions resembling the English legal estate and equitable ownership, the interest of the beneficiary is defined as his right against the trustee as owner of the property. The beneficiary has, under the Bill, no estate or interest in the subject-matter of the trust. The Bill also defines 'breach of trust' and declares that a person has 'notice' of a fact when he actually knows that fact, or when, but for wilful abstention from inquiry or gross negligence, he would have known it, or when information is given to, or obtained by, his agent under the circumstances mentioned in section 229 of the Indian Contract Act as in force in Mysore.

The second chapter deals with the creation of trusts. It declares (clause 4) that a trust may be created for any 'lawful purpose', and, as there is a general analogy between a trust and a contract, the Bill defines such purpose to be lawful in the cases in which section 23 of the Indian Contract Act, declares the object of an agreement to be lawful, namely, where it (*a*) is not forbidden by law, or (*b*) is not of such a nature that, if permitted, it would defeat the provisions of any law, or (*c*) is not fraudulent, or (*d*) does not involve or imply injury to the person or property of another or (*e*) the Court does not regard it as immoral or opposed to public policy. An explanation shows that, where the trust-property is land situate in a foreign country, the trust, to be valid, must not create an estate not recognized by the law of that country.

Oral declarations of trust have been excluded in the case of land and clause 5 of the Bill lays down, that no trust in relation to immoveable property is valid, unless declared (*a*) by a non-testamentary instrument in writing signed by the author of the trust or the trustee and registered, or (*b*) by the will of the author of the trust, or of the trustee, and that no trust in relation to moveable property is valid unless declared as aforesaid, or unless the ownership of the property is transferred to the trustee.

Clause 8 declares that the subject-matter of a trust must be property transferable to the beneficiary, and that it must not be a merely beneficial interest under a subsisting trust. The object of the latter provision is to preclude the complications that would arise from allowing a trust upon a trust.

Clause 9 declares that every person capable of holding property may be a beneficiary. As under the General Clauses Act, 1899, (III of 1899), 'person' includes a corporation, the Bill here varies from English law. But the variation is intentional, as it has been more than once held that the Mortmain Statutes are not in force in India.

Chapter III deals with a trustee's duties and liabilities. None of the rules here contained call for remark except clauses 20, 22 and 24. Clause 20 gives a list of the securities on which alone a trustee may invest trust-funds. Clause 22 also allows a trustee to deposit a trust-fund not exceeding Rs. 3,000 in a Government Savings Bank, and to invest on mortgage of land already pledged as security for an advance under the Land Improvement Act. Clause 24 declares the measure of the trustee's liability in case of a breach of trust, and embodies, as illustrations the rules on which Courts of Equity act where trust-property improperly left outstanding is lost, or where a trustee retains money which should be invested, or neglects a direction to invest, or to accumulate, or improperly sells trust-securities, or is guilty of unreasonable delay in investing trust-funds or in paying them to the beneficiary. The clause further sets out the circumstances under which a trustee committing a breach of trust is liable to pay interest and the cases in which that interest is compound.

Chapter IV treats of the rights and powers of trustees. Clause 35 of the Bill empowers trustees to apply, not only to the High Court, but to District Courts, for advice on simple questions respecting the management and administration of the trust-property. Under clause 37, which deals with the general authority of a trustee, trustees will be able (unless restrained from doing so by the instrument of trust) to grant reasonable agricultural leases, and otherwise act for the benefit of the trust. Except with the permission of the Court, no trustee will be able to lease trust-property for a term exceeding 21 years.

Chapter V deals with disabilities of the trustees. The only clause here calling for remark is clause 54, which declares that no trustee, and no person who has recently ceased to be a trustee, may, without the permission of the Court, buy the interest of the beneficiary in the trust-property, and that such permission shall not be given unless the purchase is manifestly for the benefit of the latter.

In the next chapter—of the rights and liabilities of the beneficiary—the only clauses requiring special notice are clauses 60 and 63. The former provides for the execution of trusts by the Court, and makes no distinction between the cases where the declaration of trust is complete and those where the trust is executory, *i.e.*, where the declaration of trust is intended to be perfected at some future period.

The latter clause declares that all persons taking immoveable trust-property inconsistently with the trust hold it subject to the trust, except (*a*) purchasers in good faith for consideration without notice of the trust, and (*b*) purchasers for consideration from such purchasers. This agrees with the English rule which, to prevent stagnation of property, exempts from the trust a purchaser with notice from an innocent purchaser without notice, who has got the legal estate.

Chapter VII treats of vacating the office of trustee, and, incidentally, deals with the appointment of new trustees, and declares that, on the death or discharge of one of several co-trustees, the trust survives and the trust-property passes to the others, unless the instrument of trust expressly declares otherwise.

Chapter VIII treats of the extinction of trusts and, incidentally, of their revocation.

Where no trust is declared, but for the purposes of Justice the law deems one to have been created, the trust is by English lawyers termed constructive. *Benami* transactions, where property is transferred to A for a consideration paid by B, and B makes the payment for his own benefit are common. Chapter IX avoids the fiction implied in the term 'constructive trusts' by treating such confidences as obligations in the nature of trusts properly so called. It specifies the thirteen principal cases in which such an obligation arises, as follows:—

1. Where it does not appear that the transferrer of property intended to dispose of the beneficial interest (clause 82).

2. Where property is transferred to one person for a consideration paid by another (clause 83).

3. Where the trust is incapable of execution or is executed without exhausting the property (clause 84).

4. Where a transfer of property is made for an illegal purpose (clause 85).

5. Where a bequest is made for an illegal purpose, or where the revocation of a bequest is forcibly prevented (clause 86).

6. Where a transfer is made in pursuance of a rescindible contract (clause 87).

7. Where a debtor becomes his creditor's legal representative (clause 88).

8. Where a pecuniary advantage is gained by a person in a fiduciary character (clause 89).

9. Where an advantage is gained by the exercise of undue influence (clause 90).

10. Where an advantage is gained by a tenant for life or other qualified owner in derogation of the rights of other persons interested in the property (clause 91).

11. Where property is acquired with notice of an existing contract affecting it (clause 92).

12. Where a person contracts to buy property to be held on trust (clause 93).

13. Where one of several compounding creditors, by a secret arrangement with the debtor, gains an advantage over his co-creditors (clause 94).

The Bill also contains a general clause (clause 95) providing for cases not so specified.

The Bill declares that, in the case of all obligations in the nature of a trust, the obligor shall be subject to the liabilities and (with the two exceptions mentioned in clause 96) to the disabilities of an ordinary trustee.

NOTIFICATION.

No. R. L. 1628-67, dated Bangalore, the 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Code of Criminal Procedure (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

A Bill further to amend the Code of Criminal Procedure, 1904.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1904 (II of 1904), for the purpose hereinafter appearing;

It is hereby enacted as follows :—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 194 . Short title.

2. To section 161 of the Code of Criminal Procedure, 1904, the following sub-section shall be added, namely :— Amendment of section 161, Act II of 1904.

"(3) The police officer may reduce into writing any statement made to him in the course of an examination under this section, and if he does so he shall make a separate record of the statement, of each such person whose statement he records."

Statement of Objects and Reasons.

Under section 162 of the Code of Criminal Procedure, 1904, the accused in an inquiry or trial is entitled to a copy of any statement made by a witness for the prosecution to a police officer during investigation and reduced to writing by him. The provisions of this section are often rendered valueless by recording joint statements of prosecution witnesses, in which case, courts can refuse to grant copies on the ground that it cannot be known as to how much of any such statement was made by a particular witness.

The Indian Code of Criminal Procedure has been recently amended requiring that when statements are reduced to writing, a separate record of the statement of each person should be made. The present Bill seeks to make a similar amendment to the Code of Criminal Procedure.

NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, the 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Indian Penal Code (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

A Bill further to amend the Indian Penal Code, as in force in Mysore.

WHEREAS it is expedient further to amend the Indian Penal Code (XLV of 1860) as in force in Mysore, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Act, 194 . Short title.

2. In Chapter XVIII of the Indian Penal Code (XLV of 1860) as in force in Mysore, after section 489-D the following section shall be inserted, namely:— Insertion of new section 489-E in Act XLV of 1860.

"489-E.—

(1) Whoever makes, or causes to be made, or uses for any purpose whatsoever, or delivers to any person, any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive, any currency-note or bank-note shall be punished with a fine which may extend to one hundred rupees. Making or using documents resembling currency notes or bank-notes.

(2) If any person, whose name appears on a document the making of which is an offence under sub-section (1) refuses, without lawful excuse, to disclose to a police officer on being so required the name and address of the

person by whom it was printed or otherwise made, he shall be punished with fine which may extend to two hundred rupees.

(3) Where the name of any person appears on any document in respect of which any person is charged with an offence under sub-section (1) or on any other document used or distributed in connection with that document it may, until the contrary is proved, be presumed that that person caused the document to be made."

Statement of Objects and Reasons.

Photo prints and other reproductions of currency-notes and bank-notes though printed for innocent purposes, have passed into circulation in a number of cases and it is considered undesirable that such reproductions should be permitted to go unchecked before it menaces the safety of the currency. It is proposed, therefore, to put a stop to this practice by making it a punishable offence.

While the counterfeiting of any currency-note or bank-note constitutes a criminal offence under section 489-A read with section 28 of the Indian Penal Code, as in force in Mysore, there is no provision under law prohibiting the reproduction, or the production of imitations of currency and bank-notes for such purposes as advertisement and the like where there is no intention to practise deception on any one, nor even a knowledge that deception is likely to be practised with the help of imitations. It is, therefore, necessary to fill this lacuna in the present law.

The present Bill is intended to secure this object and is modelled on the lines of the corresponding Indian (Amendment) Act.

NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, the 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Medical Registration (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE MEDICAL REGISTRATION (AMENDMENT) BILL.

A Bill to amend the Mysore Medical Registration Act, 1931.

WHEREAS it is expedient to amend the Mysore Medical Registration Act, 1931 (V of 1931);

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Medical Registration (Amendment) Act, 194 . Short title and commencement.

(2) It shall come into force at once.

2. Section 12 of the Mysore Medical Registration Act, 1931, shall be re-numbered as sub-section (1) of that section and to the section as so re-numbered, the following shall be added as sub-section (2), namely— Amendment to section 12, Act V of 1931.

"(2) To enable the Registrar to fulfil the duties imposed upon him by sub-section (1) he may send through the post a letter to any registered practitioner, addressed to him according to his registered address or appointment, to enquire whether he has ceased to practise or whether his residence or appointment has been changed; and if no answer to any such letter is received within a period of six months from its despatch, the Registrar may erase the name of such registered practitioner from the register:

Provided that any name erased under this sub-section may be re-entered in the register under the direction of the Medical Council upon payment of a fee of five rupees.

Statement of Objects and Reasons

The Mysore Medical Council has reported that registered medical practitioners do not usually intimate any change in their addresses with the result that the Mysore Medical Register cannot be said, at any time, to be up-to-date or to furnish the correct addresses of the members on the register. The Registrar, Mysore Medical Council, is therefore unable, satisfactorily, to fulfil the duties imposed on him by the Mysore Medical Registration Act.

The present Bill to amend the Mysore Medical Registration Act is intended to empower the Registrar to remove a member from the register if he fails, within a specified time, to reply to an enquiry whether he has ceased to practise or has changed his residence or appointment. Such a medical practitioner can however have his name re-entered on the register on payment of a prescribed fee.

NOTIFICATION.

No. R. L. 1623-57, dated Bangalore, the 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Diseases of Animals Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE DISEASES OF ANIMALS BILL.

Arrangement of Clauses.

Clause.

1 Short title and extent.
2 Definitions.
3 Report of contagious diseases.
4 Duty to segregate infective animals.
5 Declaration of infected areas.
6 Prohibition of movement of animals, etc., into or out of infected areas.
7 Preventive vaccination or inoculation in infected areas.
8 Compulsory segregation and treatment of animals in infected areas.
9 Disinfection of buildings, etc., in infected areas.
10 Prohibition of markets, fairs, etc., in infected areas.
11 Powers of Veterinary Officer to subject infective animals to tests.
12 Powers of Veterinary Officer to carry out *post-mortem* examinations.
13 Manner of burial or disposal of carcasses of infective animals.
14 Prohibition on bringing infective animals into any market, fair, etc.
15 Prohibition of sale or transfer of infective animals.
16 Penalties.
17 Power of Veterinary Officer to enter and inspect land, etc.
18 Time for complying with and enforcement of orders.
19 Power of Police Officer to arrest without warrant.
20 Cognizance of offences.
21 Jurisdiction of Courts.
22 Bar of claim to compensation.
23 Indemnity.
24 Power to make rules.

THE MYSORE DISEASES OF ANIMALS BILL.

A Bill to provide for the prevention of the spread of contagious or infectious diseases amongst animals in Mysore State.

WHEREAS it is expedient to provide for the prevention of the spread of contagious or infectious diseases amongst animals in Mysore State;

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Diseases of Animals Act, 194 . Short title and extent.

(2) It extends to the whole of Mysore.

2. In this Act unless there is anything repugnant in the subject or context,— Definitions.

(1) 'animals' means bulls, bullocks, cows, oxen, heifers, calves, buffaloes, sheep, goats and all other ruminating animals, dogs, swines, horses, camels, asses, mules, fowls and includes such other domesticated animals as may be specified in this behalf by the Government by notification in the Official Gazette;

(2) "contagious or infectious diseases" means rinderpest, anthrax, hæmorrhagic septicæmia, rabies, glanders and farcy, epizootic lymphangiais, surra, equine influenza or pink eye, sheep-pox, ranikhet disease and includes such other diseases as may be declared by the Government in the Official Gazette to be contagious or infectious diseases for the purposes of this Act;

(3) "infected area" means an area in respect of which a notification under section 5 is in force;

(4) "infective" used with reference to an animal means affected by a contagious or infectious disease or having recently been in contact with or proximity to an animal so affected;

(5) "prescribed" means prescribed by rules made under this Act;

(6) "veterinary officer" means an officer of the Mysore Veterinary and Live-stock Department not below the rank of a veterinary inspector acting within the local limits of his jurisdiction and in the absence of the said veterinary inspector from his jurisdiction, includes any officer of the said Department who in the opinion of the Government possesses suitable qualifications in veterinary medicine and who is authorised by the Government to

carry on the duties of the veterinary inspector under this Act in such absence.

Report of contagious diseases.

3. (1) Every owner or person in charge or having control, of animal, and every veterinary practitioner attending to any animal in the course of his veterinary practice or otherwise who has reason to believe that such an animal is infective shall forthwith report and any other person who has reason to believe that an animal is infective may report the fact to the local patel or where there is no patel, to the chairman of the village panchayet or the president of the municipality within the area of which such animal is for the time being kept.

(2) The patel or the chairman of the village panchayet or the president of the municipality on receiving any report under sub-section (1) or on any other information shall, unless for reasons to be recorded in writing he considers that the report is unfounded in fact, communicate without delay such report to the veterinary officer for the area and send copies thereof to the superintendent, Veterinary and Live-stock Department in Mysore, Bangalore, the District Veterinary and Live-stock Officer of the District and the Amildar of the taluk to which the place belongs. The veterinary officer shall, on receiving such a communication, proceed without delay to the place where the animal is for the time being kept and examine the animal and inquire into the circumstances of the case.

(3) Whenever a veterinary officer has reason to believe that any animal within his jurisdiction is infective, he shall proceed as soon as possible to the place where the animal is and examine it and inquire into the circumstances of the case, notwithstanding that no report under sub-section (2) in respect of such animal has been received.

(4) If after the examination and inquiry referred to in sub-section (2), or sub-section (3), the veterinary officer is of the opinion that the animal is infective he shall report the matter in the manner prescribed to such officer or officers of the Mysore Veterinary and Live-stock Department as the Government may appoint in this behalf and the veterinary officer shall also take such further action under the provisions of this Act as may be necessary or expedient.

Duty to segregate infective animals.

4. Every owner or person in charge or having control, of an animal who has reasons to believe that such

animal is infective shall, as far as may be possible in the circumstances, segregate such animal in a place apart from all other animals which are not infective and shall take all possible steps to prevent any animal which is not infective from coming into contact with or approaching near such animal.

Declaration of infected areas.

5. (1) The District Magistrate or such officer as the Government may authorise in this behalf may, by notification published in the manner prescribed, declare any area in which any contagious disease has broken out, or any area within which in the opinion of the District Veterinary and Live-stock Officer or such officer as the Government may authorise, there is a danger of the spread of any such disease, to be an infected area.

(2) Every notification under sub-section (1) shall specify the limits of the area which is declared to be an infected area and shall also specify the contagious or infectious disease in respect of which the area is declared to be an infected area.

Prohibition of movement of animals, etc., into or out of infected areas.

6. (1) Save in accordance with the conditions of a licence granted by a veterinary officer—

(*a*) no person shall remove any animal alive or dead, or any product of any animal (including its excreta) or any part of any animal or any fodder, bedding, harness, or other things used in connection with an animal, and

(*b*) no person owning or having charge or control of any animal shall allow such animal to proceed, from any place within an infected area to any place outside such area or from any place outside an infected area to any place within such area.

(2) Nothing in sub-section (1) shall prevent the carriage by railway or by any mechanically propelled vessel of a type approved by the Government of any animal or thing referred to in that sub-section through an infected area:

Provided that if such animal or thing at any stage during its carriage by railway or such vessel through an infected area is unloaded therein, it shall not be removen therefrom save in accordance with the provisions of sub-section (1).

Preventive vaccination or inoculation in infected areas.

7. (1) In all cases in which preventive vaccination or inoculation is possible and practicable against the contagious or infectious disease in respect of which, an

area has been declared to be an infected area, the veterinary officer or his assistant who may be authorised to do the work, shall vaccinate or inoculate, as the case may be, such kinds or classes of animals in that area as may be prescribed in respect of such disease and the owner or person in charge or having control of every such animal shall render every facility and assistance to him in carrying out such vaccination or inoculation.

(2) When a veterinary officer or his assistant vaccinates or inoculates any animal, he may for the purpose of identification also mark such animal in such manner as may be prescribed.

Compulsory segregation and treatment of a nimals infected areas.

8. (1) When a veterinary officer or his assistant after due examination of an animal and such enquiry into the circumstances of the case as may be necessary, is of the opinion that such animal is infective, he may by order in writing direct the owner or person in charge or having control of such animal—

(*a*) to keep it where it is for the time being, or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order:

(*b*) to subject it to such treatment as may be specified in the order:

and such owner or person in charge or having control of such animal shall comply with such order:

Provided that when there is no person in charge or having control of the animal and the owner is either unknown or cannot be ascertained without undue delay, or the order cannot be communicated to him without undue delay or the owner or person in charge or having control of the animal fails to comply with the order within such time as in the opinion of the veterinary officer is reasonable, the veterinary officer shall seize the animal and remove it to a place of isolation or segregation and may subject it to such treatment as may be necessary.

(2) If the owner of an animal seized under the proviso to sub-section (1) or his authorised agent applies in the prescribed manner for the return of such animal to his possession, the animal shall be so returned if such owner or his authorised agent pays any expenses, calculated in the prescribed manner, incurred for the upkeep of the animal up to the date of its release:

Provided that on the release of the animal the owner or his authorised agent, as the case may be, shall comply with any order which the veterinary officer may see fit to issue under sub-section (1).

(3) If the owner of an animal seized under the proviso to sub-section (1) or his authorised agent does not apply for the release of the animal under sub-section (2) and the animal is, in the opinion of the veterinary officer, no longer likely to infect any other animals with the contagious or infectious disease in respect of which it was seized, the veterinary officer shall send the animal to the nearest cattle-pound or deal with it in such other manner as may be prescribed.

(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), if the veterinary officer after due examination of any animal, certifies in writing that such animal is affected with any of such contagious or infectious diseases as may be prescribed in this behalf, he may destroy the animal or deal with it in such other manner as may be prescribed.

Disinfection of buildings, etc., in infected areas

9. Subject to such rules as may be prescribed, the veterinary officer may by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which an affective animal has been kept, to have such building, yard, vehicle or vessel disinfected and the internal fittings thereof and other things found therein to be disinfected or destroyed, in such manner and to such extent as may be specified in the order, and such owner, occupier or person in charge shall comply with such order.

Prohibition of markets, fairs, etc., in infected areas.

10. No person shall organise, promote or hold in any infected area any animal market, animal fair, animal exhibition or other concentration of animals whether for the purpose of sport or trade, without the permission in writing of the Deputy Commissioner or such officer as the Government may authorise in this behalf.

Powers of veterinary officer to subject infective animals to tests.

11. If the veterinary officer suspects that any animal is infective, he may subject it to such tests as may be prescribed and the owner or person in charge or having control of such animal shall render every facility and assistance to him in carrying out the tests.

Powers of veterinary officer to carry out *post-mortem* examinations.

12. Subject to such rules as may be prescribed, the veterinary officer may make or cause to be made a *post-mortem* examination of any animal which at the time of its death was infective or suspected to have been then

infective and for this purpose he may cause the carcass of any such animal to be exhumed.

Manner of burial or disposal of carcasses of infective animals.

13. (1) Every animal which at the time of its death is infective or suspected to be infective shall be buried at least six feet below the surface of the ground or dealt with in such other manner as may be prescribed.

(2) Except in the case of the exhumation of a carcass under section 12, no person shall disinter or otherwise remove the carcass of an animal buried on compliance with the provisions of sub-section (1).

Prohibition on bringing infective animals into any market, fair, etc.

14. Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of animals, any animal which he knows or has reason to believe to be infective shall be punished with fine which may extend in the case of first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees.

Prohibition of sale or transfer of infective animals.

15. Whoever sells or attempts to sell or transfer in any manner to another person any animal which he knows or has reason to believe to be infective shall be punished with fine which may extend in the case of first conviction to one hundred rupees and in the case of a second or subsequent conviction to five hundred rupees.

Penalties.

16. (1) Whoever—

(*a*) having reason to believe that an animal is infective fails to give information as required by sub-section (1) of section 3; or

(*b*) fails to segregate any animal as required by section 4; or

(*c*) contravenes the provisions of section 6; or

(*d*) fails to render every facility and assistance to a veterinary officer as required by section 7; or

(*e*) fails to comply with the order of a veterinary officer made under sub-section (1) of section 8; or

(*f*) fails to comply with an order made under section 9; or

(*g*) organises, holds or promotes, as the case may be, any animal market, animal fair, animal exhibition or other concentration of animals in contravention of the provisions of section 10; or

(*h*) fails to render every facility and assistance to a veterinary officer as required by section 11; or

(*i*) contravenes any of the provisions of section 13, shall be punished with fine which may extend to fifty rupees.

(2) If any person having been convicted of an offence punishable under any of the clauses (*a*) to (*i*) of sub-section (1) is again guilty of any offence punishable under that clause or is guilty of any offence punishable under any of the remaining said clauses, he shall be punished for every such subsequent offence with a fine which may extend to one hundred rupees.

Power of veterinary officer to enter and inspect land, etc.

17. Subject to such rules as may be prescribed, a veterinary officer may enter and inspect any land, building or other place or any vessel or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.

Time for complying with and enforcement of orders.

18. (1) Where by any requisition or order under this Act or under any notification or rule issued thereunder, any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such a requisition or order within which such measures shall be taken or such thing shall be done, as the case may be.

(2) If such measures are not taken or such things are not done within the time specified in accordance with the provisions of sub-section (1), the authority issuing the requisition or order may cause the measures to be taken or the things to be done and the cost thereof shall be recoverable from the person who was required to take such measures or to do such things as if it were an arrear of land revenue.

Power of Police Officer to arrest without warrant.

19. Any police officer not below the rank of a Sub-Inspector may, at the request in writing of a veterinary officer, arrest without warrant, any person who has been concerned in any offence under this Act.

Cognizance of offences.

20. No court shall take cognizance of any offence under this Act except upon the complaint or report of a veterinary officer.

Jurisdiction of Courts.

21. No court inferior to that of a Magistrate of the first class shall try an offence under this Act.

Bar of claim to compensation.

22. No person shall be entitled to any compensation in respect of the destruction of any animal or thing or of

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any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith.

Indemnity.

23. No suit, prosecution or other legal proceedings shall lie against any servant of the Government for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

Power to make rules.

24. (1) The Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the manner in which a report required in sub-section (1) of section 3 be made;

(*b*) the manner in which a notification issued under sub-section (1) of section 5 be published:

(*c*) the kinds or classes of animals which shall be vaccinated or inoculated in respect of each contagious or infectious disease referred to in sub-section (1) of section 7;

(*d*) the manner in which an animal may be marked under sub-section (2) of section 7;

(*e*) the manner in which an application under sub-section (2) of section 8 shall be made;

(*f*) the manner in which the expense referred to in sub-section (2) of section 8 shall be calculated;

(*g*) the manner in which an animal may be dealt with under sub-section (3) of section 8;

(*h*) the contagious or infectious diseases referred to in sub-section (4) of section 8;

(*i*) the rules subject to which a veterinary officer may issue an order under section 9;

(*j*) the tests to which an animal may be subjected under section 11;

(*k*) the rules subject to which a *post-mortem* examination of an animal may be made under section 12

(*l*) the manner in which an animal may be buried under sub-section 1 of section 13;

(*m*) the rules subject to which a veterinary officer may take action under section 17.

Statement of Objects and Reasons.

Act VI of 1899 empowers the Government to make rules to provide for and regulate destruction or segregation of dogs, horses and cattle suffering from infectious diseases and to regulate the movement of such animals from any local area which is so infected. Rules have been framed by the Government from time to time under this Act; but in order to check and ultimately prevent the high mortality prevailing among cattle due to contagious or infectious diseases, it is considered necessary to have a more comprehensive measure on the Statute Book. The present Bill is accordingly brought forward.

Under this Bill, a duty is cast on every person, who is in charge of an animal which he has reason to believe to be infected, to report the matter to prescribed authorities, to segregate such animals and to take such action as may be directed by the authorities concerned. There is provision to declare any area in which any contagious disease has broken out, or is likely to break out, to be an infected area. The movement of animals into or out of such infected areas is prohibited. In such areas, preventive vaccination and inoculation may be compulsorily effected. No animal market or animal fair or animal exhibition or other concentration of animals can be organised in such infected areas. Infected animals cannot be brought into any market or fair nor can they be sold or transferred. The other provisions are incidental.

NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, the 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Removal of Civil Disabilities (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE REMOVAL OF CIVIL DISABILITIES (AMENDMENT) BILL.

A Bill further to amend the Removal of Civil Disabilities Act, 1943.

WHEREAS it is expedient further to amend the Removal of Civil Disabilities Act, 1943, (XLII of 1943), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Removal of Civil Disabilities (Amendment) Act, 194 .

(2) It shall come into force at once.

Addition of section 8 to Act XLII of 43.

2. After section 7 of the Removal of Civil Disabilities Act, 1943, the following section shall be added, namely :—

Offences under Act to be cognizable.

"8. All offences punishable under this Act shall be cognizable."

Statement of Objects and Reasons.

At present, offences under the Removal of Civil Disabilities Act, 1943, are not cognizable ; but in order to effectively enforce the provisions of the Act, it is considered that such a provision is necessary. This Bill has accordingly been brought forward.

NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, the 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Temple Entry Authorisation (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

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THE MYSORE TEMPLE ENTRY AUTHORISATION (AMENDMENT) BILL.

A Bill to amend the Mysore Temple Entry Authorisation Act, 1948.

WHEREAS it is expedient to amend the Mysore Temple Entry Authorisation Act, 1948, (XIV of 1948), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Temple Entry Authorisation (Amendment) Act, 194 .

(2) It shall come into force at once.

Addition of section 7, Act XIV of 1948.

2. After section 6 of the Mysore Temple Entry Authorisation Act, 1948, the following section shall be added, namely :—

Offences under Act to be cognizable.

"7. All offences punishable under this Act shall be cognizable."

Statement of Objects and Reasons.

At present, offences under the Mysore Temple Entry Authorisation Act, 1948, are not cognizable ; but in order to effectively enforce the provisions of the Act, it is considered that such a provision is necessary. This Bill has accordingly been brought forward.

NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, the 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Elementary Education (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE ELEMENTARY EDUCATION (AMENDMENT) BILL.

A Bill further to amend the Mysore Elementary Education Act, 1941.

WHEREAS it is expedient further to amend the Mysore Elementary Education Act, 1941, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Elementary Education (Amendment) Act, 194 .

(2) It shall come into force on such date as the Government may by notification in the Official Gazette appoint.

Amendment of section 3, Act No. VI of 1941.

2. In section 3 of the Mysore Elementary Education Act, 1941, for clause (3), the following clause shall be substituted, namely :—

"(3) 'municipality' or 'municipal council' means a municipality or muncipal council constituted under the Mysore City Municipalities Act, 1933, the Mysore Town Municipalities Act, 1933, or the Mysore Minor Municipalities Act, 1933, and the municipal commission constituted under the Bangalore Municipal Law, 1897."

Statement of Objects and Reasons.

Clause (3) of section 3 of the Mysore Elementary Education Act, 1941, defines a Municipal Council as a Municipality or Municipal Council constituted under the Mysore Municipalities Act, 1933. The Municipal Commission of the Civil Station, Bangalore, is not constituted under the Mysore Municipalities Act, 1933 and it does not therefore fall within the scope of the Elementary Education Act. It is accordingly necessary to amend it in order to bring the Municipal Commission of the Civil Station within the purview of the Act.

This Bill has been brought forward to effect this change.

NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, the 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Insurance (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE INSURANCE (AMENDMENT) BILL.

A Bill further to amend the Insurance Act, 1939.

WHEREAS it is expedient further to amend the Insurance Act, 1939, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Insurance (Amendment) Act, 194 . Short title.

2. In section 40 of the Insurance Act, 1939, (hereinafter referred to as the said Act) after sub-section (1), the following sub-section shall be inserted, namely :— Amendment of section 40, Act XXII of 1939.

"(1-A) In this section and sections 41 and 43, references to an insurance agent shall be construed as including references to an individual soliciting or procuring insurance business exclusively in any Province of the Dominion of India or in an Indian State which has either before or after the commencement of this Act, acceded to the Dominion of India and which is notified in this behalf by the Government in the Official Gazette, and holding a valid licence as an insurance agent under the law in force in the Provinces of the Dominion of India or in such Indian State, as the case may be."

Amendment of section 41, Act XXII of 1939.

3. To sub-section (1) of section 41 of the said Act, the following proviso shall be added :—

"Provided that acceptance by an insurance agent of commission in connection with a policy of life insurance taken out by himself on his own life shall not be deemed to be acceptance of a rebate of premium within the meaning of this sub-section, if at the time of such acceptance the insurance agent satisfies the prescribed conditions establishing that he is a *bona fide* insurance agent employed by the insurer."

Statement of Objects and Reasons.

Under section 40 of the Insurance Act, 1939, an insurance agent working exclusively in the Provinces of the Dominion of India is required to take out a licence in Mysore before he can be paid commission by an insurer transacting business both in the Mysore State and in the Provinces of India. If the insurer in question happens to be carrying on insurance business in any other Indian State, the agent concerned will be required to take out a licence in that State leading to a system of multiple licensing with all the attendant inconveniences and difficulties. This was also the law in the Provinces of India till recently, and to remove this hardship to agents, the Insurance Act, 1938, of the Government of India was amended by inserting a new sub-section as sub-section (1-A) of section 40. It is considered necessary that similar amendment should be made in the Mysore Act to recognise the agents carrying on business outside the State exclusively.

Secondly, there is no provision in the Mysore Act, as has been provided in the Indian Insurance Act, permitting payment of commission to an agent in respect of his own policy. It is proposed to fill up this lacuna also.

This Bill has been brought forward to achieve these objects.

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NOTIFICATION.

No. R. L. 1628-57, dated Bangalore, the 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Public Health (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE PUBLIC HEALTH (AMENDMENT) BILL.

A Bill to amend the Mysore Public Health Act, 1944.

WHEREAS it is expedient to amend the Mysore Public Health Act, 1944 (X of 1944), for the purposes hereinafter appearing:

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Public Health (Amendment) Act, 194 . Short title and commencement.

(2) It shall come into force at once.

2. In sub-clause (*i*) of clause (*a*) of sub-section (3) of section 2 of the Mysore Public Health Act, 1944, (hereinafter referred to as the said Act), after the words "and Mysore" the words "and the Civil Station of Bangalore" shall be inserted. Amendment of section 2, Act X of 1944.

3. In section 3 of the said Act— Amendment of section 3, Act X of 1944.

(*a*) in sub-clause (*a*) of clause (19), after the words "Municipal Council", the words "or Mnnicipal Commission" shall be inserted;

(*b*) in clause (20), after the words "Municipal Council", the words "Municipal Commission" and a comma shall be inserted; and

(*c*) in sub-clause (*a*) of clause (37), after the words "Municipal Council", the words "or Municipal Commission" shall be inserted.

4. In section 104 of the said Act, after the words and figures "under section 103", the words and figures "or by the suspension of registration by an executive authority under section 106-A" shall be inserted. Amendment of section 104, Act X of 1944.

Insertion of new section 106A in Act X of 1944. Suspension of registration by executive authority.

5. After section 106 of the said Act, the following section shall be inserted, namely :—

"106-A. On receipt of a report from the Health Officer or the person authorised under sub-section (2) of section 106, the executive authority, if satisfied that there are reasonable grounds to believe that a registered keeper of a lodging house has contravened the provisions of this Chapter or a rule or bye-law made under this Act applicable to him, may, without prejudice to any other action against the keeper of the lodging house, suspend his registration for a period not exceeding ten days and in the case of a subsequent contravention suspend his registration for such period as the executive authority thinks fit or cancel his registration.

Insertion of section 107-A in Act X of 1944. Powers of seizure, etc. of executive authority.

6. After section 107 of the said Act, the following section shall be inserted, namely :—

"107-A (1) Where

(*i*) the grant or renewal of registration is refused under section 103, or

(ii) the registration is suspended or cancelled under section 106-A ; or

(iii) the registration is cancelled under section 107, the executive authority or any other person authorised by him in this behalf may seize and detain articles of food or drink and any vessel or utensil used in manufacturing, preparing or keeping such articles, and close down and lock the lodging house.

(2) Articles seized under sub-section (1) may be destroyed or disposed of in such manner as may be prescribed."

Amendment of section 142 Act X of 1944.

7. After sub-clause (1) of clause (*b*) of sub-section (2) of section 142 of the said Act, the following sub-clause shall be inserted, namely—

"(*i-a*) sections 103, 104, 105, 107, 124, 128, 129, 144, 145, 146, 147, 148, 149, and 189, and sections 93, 94, 95, 96, 98, 101, 112, 126 and 130 read with section 161 of the Bangalore Municipal Law, 1897 ".

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Statement of Objects and Reasons.

In order to ensure the proper maintenance of hotels, boarding houses, etc., provision has been made in Chapter XI of the Mysore Public Health Act, 1944, requiring that every keeper of a lodging house should be registered under the Act. It is considered that in order to effectively enforce the provisions of the Act, the registering authority should have the power to suspend registrations, and compulsorily close a lodging house when registration is refused, suspended or cancelled. Certain amendments to sections 2, 3 and 142 of the Act are also necessary to make the Act applicable to the Civil Station of Bangalore.

This Bill has accordingly been brought forward.

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